



CODE ENFORCEMENT BOARD HEARING AGENDA

MONDAY
FEBRUARY 26, 2024 - 9:30 AM

TOWN COUNCIL CHAMBERS
4300 S. ATLANTIC AVE., PONCE INLET, FL

SUNSHINE LAW NOTICE FOR BOARD MEMBERS – Notice is hereby provided that one or more members of the Town Council or other Town Boards may attend and speak at this meeting.

A complete copy of the materials for this agenda is available at Town Hall.

1. CALL TO ORDER.
2. PLEDGE OF ALLEGIANCE.
3. ROLL CALL & DETERMINATION OF QUORUM.
4. ADOPTION OF AGENDA.
5. DISCLOSURE OF EX-PARTE COMMUNICATION. *Code Enforcement cases are quasi-judicial and receipt of any information or discussion of any case outside of the public hearing is strongly discouraged. If a board member obtains any information or discusses any case outside the public hearing process, this information must be disclosed in detail by the board member prior to the presentation of the case and may not be considered by the board member when making any decision related to the case.*
6. ADMINISTERING THE OATH TO WITNESSES: Attorney Cino
7. APPROVAL OF THE MINUTES:
 - A. January 22, 2024
8. OLD BUSINESS:
 - A. Case # 2023-671: Property Address: 4740 South Atlantic Avenue #5
Owner(s): Jamie & Maria Miller
Alleged Violation(s): Work requiring permits
 - B. Case # 2023-758: Property Address: 125 Ponce DeLeon Circle
Owner(s): Albert & Cyndee Jarrell
Alleged Violation(s): Unsafe Structure
9. NEW BUSINESS:
 - A. Case # 2024-144: Property Address: 4624 Harbour Village Blvd. #4504
Owner(s): Loy Van Crowder & Patricia Parera
Alleged Violation(s): Expired Rental Permit

B. Case # 2024-145: Property Address: 4749 South Peninsula Drive
Owner(s): Vallerie Yellam & Savanna Schlager
Alleged Violation(s): Expired Rental Permit

C. Case # 2024-148: Property Address: 4601 South Atlantic Avenue #703
Owner(s): Atlantic Unit 7030 LLC
c/o Alan & Mitchell Wiginton, owners
Alleged Violation(s): Expired Rental Permit

10. ATTORNEY DISCUSSION.

11. BOARD/STAFF DISCUSSION.

12. ADJOURNMENT.

Next hearing date: Monday, March 25, 2024

If a person decides to appeal any decision made by the Code Enforcement Board with respect to any matter considered at a hearing, he/she will need a record of the proceedings and that for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Persons who require accommodation to attend this hearing should contact the Clerk's office at 386-236-2150 by 4:00 pm at least 48 hours in advance of the meeting to request such assistance.



Meeting Date: February 26, 2024

Agenda Item: 7-A

Report to Code Enforcement Board

Topic: January 22, 2024 Hearing Minutes

Summary:

Staff has prepared the attached set of hearing minutes for the Board's review and approval.

Suggested motion:

To approve the attached set of hearing minutes As Presented - OR - As Amended

Requested by:

Ms. Stewart, Assistant Deputy Clerk

Approved by:

Mr. Disher, Town Manager



**Town of Ponce Inlet
Code Enforcement Board
Meeting Minutes
January 22, 2024**

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6 **1. CALL TO ORDER:** The meeting was called to order at 9:30 a.m. in the Council
7 Chambers, 4300 S. Atlantic Avenue, Ponce Inlet, Florida.

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9 **2. PLEDGE OF ALLEGIANCE:** Led by Chair Finch.

10
11 **3. ROLL CALL & DETERMINATION OF QUORUM:**

12 **Board Members Present:**

13 Ms. Richards, Seat #1

14 Mr. Van Valkenburgh, Seat #2

15 Mr. Finch, Seat #3

16 Mr. Michel, Seat #4

17 Ms. Cannon, Seat #5

18 Mr. Fuess, Alternate Seat #1

19 Ms. Rij, Alternate Seat #2

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21 A quorum was established with five members and two alternates present.

22
23 A. Oaths of Office – Attorney Cino administered the Oaths to Mr. Finch, Mr. Fuess,
24 and Ms. Rij.

25
26 B. Election of Chair – Ms. Cannon moved to nominate Mr. Finch to serve as Chair;
27 seconded by Ms. Rij. There were no other nominations. The motion PASSED 5-0, consensus.

28
29 C. Election of Vice-Chair – Ms. Rij moved to nominate Ms. Cannon to serve as Vice-
30 Chair; seconded by Mr. Michel. There were no other nominations. The motion PASSED 5-0,
31 consensus.

32
33 **Staff Members Present:**

34 Mr. Barnhart, Administrative Assistant

35 Attorney Cino, Code Board Attorney

36 Mr. Hooker, Code Compliance Manager

37 Attorney Smith, Town Attorney

38 Ms. Stewart, Assistant Deputy Clerk

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40 **4. ADOPTION OF THE AGENDA:** Vice-Chair Cannon moved to adopt the agenda as
41 presented; seconded by Ms. Richards. The motion PASSED 5-0, with the following vote: Vice-
42 Chair Cannon – yes; Ms. Richards – yes; Mr. Van Valkenburgh – yes; Chair Finch – yes; Mr.
43 Michel – yes.

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45 **5. DISCLOSURE OF EX-PARTE COMMUNICATION:** None disclosed.

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47 **6. ADMINISTERING THE OATH TO WITNESSES:** Attorney Cino administered the
48 *Oath* to the witnesses who intended to provide testimony.

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7. APPROVAL OF THE MINUTES:

A. October 23, 2023 – Chair Finch asked if there were any changes; there were none.

Chair Finch moved to adopt the minutes as presented; seconded by Vice-Chair Cannon. The motion PASSED 5-0, with the following vote: Chair Finch – yes; Vice-Chair Cannon – yes; Ms. Richards - yes; Mr. Van Valkenburgh – yes; Mr. Michel – yes.

8. OLD BUSINESS: None.

9. NEW BUSINESS:

**A. Case # 2023-671; Property Address: 4740 South Atlantic Avenue #5
Owner(s): Jamie & Maria Miller
Alleged Violation(s): Work requiring permits**

Mr. Hooker provided testimony and photographic evidence that a sliding glass door was installed after the contractor had withdrawn the permit. A different contractor was engaged for the door installation without obtaining the required permits. Staff advised the owner to obtain the proper permit through a licensed contractor; as of today, no permit application has been received and there has been no further communication with the owners. Staff recommends the property be found in non-compliance and grant 14 days or until February 5, 2024, to bring the property into compliance or be brought back at the next scheduled hearing for further adjudication; and to assess the \$250 administrative fee.

Chair Finch asked if there was anyone present to testify in this case; there was not.

Vice-Chair Cannon moved to find the property in non-compliance; granted 14 days or until February 5, 2024, to bring the property into compliance or be brought back at the next hearing for further adjudication; and assessed the \$250 administrative fee; seconded by Chair Finch. The motion PASSED 5-0, with the following vote: Vice Chair Cannon – yes; Chair Finch – yes; Ms. Richards – yes; Mr. Van Valkenburgh – yes; Mr. Michel – yes.

**B. Case #2023-698; Property Address: 52 Bay Harbour Drive
Owner(s): Michael & Susan Dancsecs
Alleged Violation(s): Tree removal without permits**

Mr. Hooker provided testimony and photographic evidence that the property is in violation of the cited sections of code. Staff is requesting this case be treated as irreversible or irreparable damage in accordance with Florida Statute 162.09(2)(a). He explained a tree must pose an “unacceptable risk” to persons or property and removal is the only practical means of mitigating the risk. The owner provided two arborists’ reports indicating trimming the trees would lower the risk, so removal of the two trees from the property was not necessary. Staff noticed these trees were being removed in October and contacted Mr. Dancsecs and the tree service and advised them that a permit was required. Staff met with the owners on January 16, 2024, to discuss the violations and a plan for replacement of the trees. The options are to plant 18 replacement trees or pay into the tree bank at \$350 per tree for a total of \$6,300, pursuant to the Land Use and Development Code (LUDC); or pay up to \$5,000 per tree as penalty per FS 162 for irreversible damage. Mr. Van Valkenburgh asked what the outcome of last week’s meeting was with the owner. Mr. Hooker

99 stated the owner had agreed to submit a plan to the town by Friday but has not yet done so; he
100 noted that Mr. Danscecs, and Mr. Cal Clay, Atlantic Tree Service, were present to speak on this.
101

102 Mr. Danscecs, 52 Bay Harbour Drive, explained he has lived at the property for 10 years
103 and has maintained these trees but over time the condition of the trees became increasingly worse
104 and had significant rot. He chose to be proactive and remove the trees. He is willing to plant two
105 trees on his property and pay the permit fee if required. Mr. Cal Clay, Atlantic Tree Service,
106 Owner/Operator, provided photos of the bases of these trees and stated he has been in business 29
107 years, and he can recognize tree disease. He referred to the report from the second arborist who
108 suggested a 30% pruning but noted there is extensive decay, and a reduction may accelerate that
109 decay. He said the law requires “practical mitigation” and removing the trees was the practical
110 solution; it was his misunderstanding that a permit would not be required. Chair Finch asked why
111 a permit was not applied for. Attorney Smith explained the town’s code provides a process of
112 determination for dangerous trees to be removed if it is the right thing to do under the
113 circumstances; in this case that process was circumvented by trying to use a statute that provides
114 for the removal of dangerous trees. The arborists’ reports provided the owner with a path that
115 should have triggered him to go through the town’s process, as it did not qualify for a permit
116 exemption under the statute. Discussion continued regarding the removal of the trees, the arborists
117 reports, the permit process, and mitigation. Mr. Michel asked what is needed to move forward on
118 this. Mr. Hooker explained that according to the formula, 18 trees need to be planted; or per town
119 ordinance, \$350 per 18 trees could be put into the tree bank; or as provided by Florida Statute, the
120 owner could be fined up to \$5,000 for each tree removed for irreversible damage. Attorney Smith
121 clarified the tree mitigation plan is not a punitive fine but is money put into the tree bank to replace
122 the tree mass removed.
123

124 Mr. Van Valkenburgh moved to assess the \$250 administrative fee; ordered a mitigation plan to
125 be submitted within 30 days; and be brought back at the next hearing for further adjudication;
126 seconded by Mr. Michel. The motion PASSED 4-1, with the following vote: Mr. Van Valkenburgh
127 – yes; Mr. Michel – yes; Chair Finch – yes; Vice Chair Cannon – yes; Ms. Richards – no.
128

129 **C. Case #2023-731; Property Address: 4717 South Atlantic Avenue**
130 **Owner(s): Raz Real II**
131 **c/o Benjamin & Anna Raslavich, owners**
132 **Alleged Violation(s): Work requiring permits**
133

134 Mr. Hooker provided testimony and photographic evidence of construction of an unauthorized
135 beach walkway; the owner was contacted and informed a permit was required. He noted Attorney
136 Edward Matz is present representing the owners. The property has been found in compliance,
137 however staff recommended the property be found in non-compliance as of the date of the violation
138 letter; find the property now in compliance; and to assess the \$250 administrative fee.
139

140 Chair Finch moved to find the property was in non-compliance; is now in compliance; assessed
141 the \$250 administrative fee; and dismissed the case; seconded by Vice-Chair Cannon. The motion
142 PASSED 5-0, with the following vote: Chair Finch – yes; Vice Chair Cannon – yes; Ms. Richards
143 – yes; Mr. Van Valkenburgh – yes; Mr. Michel – yes.
144

145 **D. Case #2023-758; Property Address: 125 Ponce DeLeon Circle**
146 **Owner(s): Albert & Cyndee Jarrell**
147 **Alleged Violation(s): Unsafe Structure**
148

149 Mr. Hooker provided testimony and photographic evidence that the property is in violation of the
150 cited sections of code for an unsafe seawall. He explained a permit was obtained but a stop work
151 order was placed due to a deviation from the approved plans; during the time that was being
152 resolved, the property sold, the permit subsequently expired, no further work transpired, and the
153 structure was cited as unsafe. After receiving the certified letter, the owners engaged in
154 communication with the building department to resolve the outstanding issues. However, as of
155 today, no active permit application has been submitted for the seawall and the structure remains
156 unsafe. Staff recommends the owner be granted 14 days or until February 5, 2024, to bring the
157 property into compliance or be brought back at the next scheduled hearing for further adjudication,
158 and to assess the \$250 administrative fee. The board discussed the case and the length of time the
159 new owners were aware of the issues and had to comply with the permit requirement.

160
161 Mr. Van Valkenburgh moved to find the property in non-compliance; granted 14 days or until
162 February 5, 2024, to bring the property into compliance or be brought back at the next hearing
163 for further adjudication; and assessed the \$250 administrative fee; seconded by Ms. Richards. The
164 motion PASSED 5-0, with the following vote: Mr. Van Valkenburgh – yes; Ms. Richards – yes;
165 Chair Finch – yes; Vice Chair Cannon – yes; Mr. Michel – yes.

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167 **E. FORECLOSURE PROCEEDINGS** – Mr. Hooker stated the Board was informed
168 on September 25, 2023, of the desire to collect outstanding code enforcement liens due to the
169 Town. Florida Statute 162 states that after three months from filing any such lien which remains
170 unpaid, the enforcement board may authorize the local governing body attorney to foreclose on a
171 lien or sue to recover a money judgement in the amount of the lien plus accrued interest. No lien
172 created pursuant to the provisions of this part may be foreclosed on real property which is
173 homesteaded. Staff identified nine potential properties that are available for foreclosure under
174 Florida law. Certified letters were sent to owners with outstanding liens on October 25, 2023,
175 notifying them of the deadline date of January 15, 2024, to have their property in compliance, their
176 debt paid, or, if the property is in compliance, the administrative remedy of going before the
177 Council for reduction or abatement of the outstanding lien.

178
179 **1. Case # 2018-148: Property Address: 42 Jana Drive**

180 **Owner(s): Frank Kohlweiss** – Mr. Hooker reviewed the case history, noting
181 the property was in non-compliance for 783 days resulting in fines of \$15,910 including the \$250
182 administrative fee. The owner requested a reduction or abatement of his lien before the Council on
183 August 17, 2023, which was denied. Staff requests authorization for the town attorney to foreclose
184 on this property; the recommendation of this board will be brought to the Council for consideration.

185
186 Mr. Van Valkenburgh moved to authorize foreclosure proceedings and be brought to the Town
187 Council for approval; seconded by Mr. Michel. The motion PASSED 5-0, with the following vote:
188 Mr. Van Valkenburgh – yes; Mr. Michel – yes; Chair Finch – yes; Vice Chair Cannon – yes; Ms.
189 Richards – yes.

190
191 **2. Case # 2021-217: Property Address: 48 Inlet Harbor Road**

192 **Owner(s): Southern Bell Tel & Tel Company** – Mr. Hooker reviewed the
193 case history and accrual of fines totaling \$4,025. This is a commercial parcel that houses
194 communication lines for AT&T, formerly known as BellSouth. The property is now in compliance
195 but there has been no communication with the owners. Staff requests authorization for the town
196 attorney to foreclose on this property; the recommendation of this board will be brought to the
197 Council for consideration.

198

199 Ms. Richards moved to authorize foreclosure proceedings and be brought to the Town Council for
200 approval; seconded by Vice Chair Cannon. The motion PASSED 5-0, with the following vote: Ms.
201 Richards – yes; Vice Chair Cannon – yes; Mr. Van Valkenburgh – yes; Mr. Michel – yes; Chair
202 Finch – yes.

203
204 **3. Case # 2022-433: Property Address: 5 Marsh Court**

205 **Owner(s): Richard Lecht** – Mr. Hooker reviewed the case history and accrual
206 of fines totaling \$750, including the \$250 administrative fee. The property is now in compliance
207 and is being maintained. The owner visited Town Hall on November 3, 2023, to discuss the
208 outstanding lien and explore his options; he opted to request an abatement/reduction hearing before
209 the Council but neglected to return the necessary forms to do so; no further communication has
210 occurred with the owner. Staff requests authorization for the town attorney to foreclose on this
211 property; the recommendation of this board will be brought to the Council for consideration.

212
213 Mr. Michel moved to authorize foreclosure proceedings and be brought to the Town Council for
214 approval; seconded by Ms. Richards. The motion PASSED 4-1, with the following vote: Mr. Michel
215 – yes; Ms. Richards – yes; Chair Finch – yes; Vice Chair Cannon – yes; Mr. Van Valkenburgh –
216 no.

217
218 **4. Case # 2022-684: Property Address: 4620 Riverwalk Village Court #7302**

219 **Owner(s): Cynthia House & Rhonda Witwer** – Mr. Hooker reviewed the
220 case history and the accrual of fines totaling \$5,750. The owners have filed a request for a
221 reduction/abatement of the outstanding amount which will go before the Town Council in February
222 or March. The owner paid for this year's and last year's rental permits on January 11, 2024. Staff
223 requests authorization for the town attorney to foreclose on this property; the recommendation of
224 this board will be brought to the Council for consideration.

225
226 Mr. Michel moved to table this case and be brought back at the next meeting for further
227 adjudication; seconded by Chair Finch. The motion PASSED 5-0, with the following vote: Mr.
228 Michel – yes; Chair Finch – yes; Ms. Richards – yes; Mr. Van Valkenburgh – yes; Vice Chair
229 Cannon – yes.

230
231 **5. Case # 2022-758: Property Address: 4505 South Atlantic Avenue #703**

232 **Owner(s): Doris & Jerry Clark** – Mr. Hooker reviewed the case history and
233 the accrual of fines totaling \$79,000. Staff spoke with the owner last week regarding the
234 outstanding lien and advised them to submit the proper paperwork for a rental permit to stop fines
235 from accruing; as of today, no permit application has been submitted, the property remains in non-
236 compliance and the \$250 per day fine continues to accrue. Staff requests authorization for the town
237 attorney to foreclose on this property; the recommendation of this board will be brought to the
238 Council for consideration. Mr. Van Valkenburgh asked if the owner was given the option of
239 requesting a reduction/abatement from the Town Council. Mr. Hooker explained the permit
240 application would have to be submitted first.

241
242 Ms. Richards moved to authorize foreclosure proceedings and be brought to the Town Council for
243 approval; seconded by Vice-Chair Cannon. The motion PASSED 5-0, with the following vote: Ms.
244 Richards – yes; Vice Chair Cannon – yes; Mr. Van Valkenburgh – yes; Chair Finch – yes; Mr.
245 Michel – yes.

246
247 **F. Boardmember Annual Training: Sunshine Law, Public Records, Quasi-**
248 **Judicial Procedures, and Ethics** – Attorney Cino noted the training materials were provided in

249 the agenda packet. Mr. Van Valkenburgh asked if the Sunshine Law training is an annual
250 requirement from the state; Mr. Cino replied yes. Mr. Hooker explained the town provides annual
251 training for all Board members for informational purposes.

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253 **10. ATTORNEY DISCUSSION:** None.

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255 **11. BOARD/STAFF DISCUSSION:**

256

257 **A. Rental Property Discussion** – Ms. Richards provided a handout (*see attached*)
258 regarding short-term rentals and what options the Board and residents have. Although short-term
259 rentals or “transient public lodging establishments” are prohibited in Ponce Inlet, they are
260 occurring frequently; she researched several vacation rental platforms and found many short-term
261 and nightly rentals offered in Ponce Inlet by individual owners, investors, and Marriott. Residents
262 are in danger of losing their quality of life if they do not examine the growth of the short-term
263 rental industry and how it is impacting Ponce Inlet. She asked if the Town could update our
264 definitions (without losing our grandfathering) to include the State’s language to define a “transient
265 public lodging establishment”. If the Town cannot update this definition, she asked to include the
266 State’s definition as stated in proposed Senate Bill 714 on our rental applications, town website,
267 any handouts, etc., to provide residents clarification on what is considered non-compliance of the
268 permit. Ms. Richards asked if the Town could have an ordinance stating advertising platforms
269 must include the permit number and compliance statement that the property is not being held as a
270 “transient public lodging establishment”. Attorney Smith cautioned that as the adjudicating Board,
271 that they should not go to the Council for policy change requests; however, members could as
272 individual residents make the request to Council. He noted the proposed SB 714 does not have
273 enough support; he explained the proposed bill and that even if passed, would not allow the Town
274 to do what Ms. Richards requested. Ms. Richards suggested an educational platform to educate
275 residents on the term “transient public lodging establishments”. Discussion ensued regarding
276 short-term rentals, the Town’s restrictions, how owners are avoiding those restrictions, and
277 enforcement.

278

279 **B. Code Enforcement Activity for year ending 2023** – Mr. Hooker provided a
280 review of code enforcement activity for 2023; 810 cases were generated; 27 referred to this Board;
281 with an overall compliance rate of 96.7%. He reviewed the leading cases, outstanding liens, and
282 liens collected since 2017 and 2023. He provided a year-by-year comparison, noting an overall
283 95.88% compliance rate compared to other municipalities who average 75-80%.

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285 Mr. Hooker introduced Mr. Darren Lear, the new Planning and Development Director.

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287 **12. ADJOURNMENT:** The hearing was adjourned at 11:41 a.m.

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289 Next hearing date: Monday, February 26, 2024

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291 Respectfully submitted by,

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294 _____
295 Debbie Stewart, FCRM
Assistant Deputy Clerk

All Board Members,

As we move into 2024, I wanted to have a discussion with the board regarding concerns that I have with respect to substantial changes taking place in the rental market and how these changes pose some additional challenges and questions related to compliance with rental ordinances..

Although Ponce Inlet does not permit "vacation rentals" "short term rentals" or "transient public lodging establishments", it is, nonetheless, becoming more frequent. In fact, I took a look at several "vacation rental" platforms and there are many, many short term (nightly) rentals offered in Ponce Inlet, by individual owners, investors (one that owns 10 additional properties in the Daytona Beach area) and now even Marriott is advertising two properties on their rental site. The high number of these "vacation rental platform" advertisements have created some new challenges for the City and the Board when we are faced with rental noncompliance, as well as causing increased neighborhood conflict due to the increased traffic, noise, trash and vandalism, and increased patrols for our Police Department. Frequently, the City receives information that a property is being rented, but when an attempt is made to locate an occupant, the property is now vacant, and no response is received from the property owner. This seems to be also causing some confusion for some members of the Board as to whether these now vacant properties are "actually or presently being rented" or if the owner just "forgot" to obtain or renew the permit, or "maybe" the tenant is just not present at the time of the visit. This challenge typically results in Travis/Dave doing repeat visits to these properties, with some limited success in obtaining compliance. However, taking into consideration the high number of Ponce Inlet properties advertised for a nightly rate on "vacation rental" platforms,, it appears that many are actually being rented only on a short term basis by investors or by property owners when they are not using the property themselves (including full time residents when they travel), which will explain why no rental permit exist and the properties are vacant or appear in compliance when an inquiry is made.

Attached is a copy of the State of Florida 2023 definitions from Title XXXIII, c. 509.242. As you can see, the State of Florida updated its Vacation Rental definition and now clearly defines them as "transient public lodging establishments.". Our zoning ordinance does state that "transient public lodging establishments" and "short term rentals" are not permitted in residential Zones R-1, R-2, R-3 or MF-1.

As the State of Florida Senate reconvened for its first session of 2024, they are reviewing SB 714 which is also attached. This bill is expected to not only clarify the definition of "transient public lodging establishment" (page 6), it will also define an "advertising platform" (page 5). If passed, it recommends that municipalities use a registration process in advertising (page 14), as well as recommendations of enforcement should a property violate local ordinances (page 17).

If approved, SB 714 is expected to be specific to how the State of Florida will update its approach to the operation and taxing of "vacation rentals", a/k/a "transient public lodging establishments". However, my question is --- Can we use this language to improve compliance in Ponce Inlet without losing our grandfathering status and if so, my suggestions would be as follows:

1. Update our definition of "transient public lodging establishment" to include the term "vacation rental";
2. Include the language provided by the State to define a "transient public lodging establishment", including the ending language "**OR** *which is advertised or held out to the public as a place regularly rented to guests*; (an emphasis on the OR may increase compliance as this would clarify that the property does not actually have to be occupied at any time and just the mere advertising as such (transient public lodging establishment) results in noncompliance;
3. Include this definition on our rental website where it can be easily found by all residents planning to rent their properties;
4. Prepare and distribute a rental "fact sheet" for Ponce Inlet. Although we don't allow "vacation rentals", I have attached Orlando's Fact Sheet which we could refer to and update for our City. Orlando's "Fact Sheet" appears very clear and concise for its residents. Perhaps we could mail something similar to all residents and/or attach a "Fact Sheet" to our rental applications.
5. Also include the definition of "transient public lodging establishment" on our rental application, as well as include a concise statement that it is a ***prohibited use*** for residential properties in the Residential Zones of Ponce Inlet;
6. Add the State recommended advertising requirements to our rental permits by assigning a rental registration number to all approved rental permits and require that the registration number be prominently displayed in ALL advertising, as well as require that the advertisement prominently display a statement such as "*This property complies with Ponce Inlet ordinances and shall not be rented for any term less than 29 consecutive days*".

It is my belief that if used in advertising, registration numbers will significantly improve our rental compliance as it will provide the City and Board with concrete information of the address/owner of each property being advertised on these platforms. Including registration number in advertising will also provide more insight as to which properties are operating/advertising in noncompliance --- no registration number listed = no rental permit = no required statement of compliance = high likelihood of being advertised and rented as a "transient public lodging establishment" ("vacation rental"). I do realize that there are additional challenges to confirm whether a property is being rented for terms of less than 29 consecutive days (short term rentals) and tracking those properties without permits, but I believe that if we are more transparent and concise in our definitions of what constitutes a "vacation rental", "short term rental" and "transient public lodging establishment", and that all are prohibited uses in Residential Zones, we will see improved compliance.

In addition, if the City is interested, I did learn that due to the rapid growth of this vacation rental industry, which translates into increased noncompliance, there are now several Florida cities and counties using various softwares to obtain addresses of illegal rentals, as well as rental history and income. These softwares have the ability to work with thousands of online rental platforms to obtain information which assist cities in locating "illegal vacation rentals" within their communities. Obtaining and using this type of software, of course, comes with an additional budgetary price tag, but has Ponce Inlet investigated any of these softwares? If not, should we? I have attached a copy of two softwares currently being used in Florida.

Thank you,

Elena Richards

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1 A bill to be entitled
2 An act relating to vacation rentals; amending s.
3 212.03, F.S.; requiring advertising platforms to
4 collect and remit specified taxes for certain vacation
5 rental transactions; reordering and amending s.
6 509.013, F.S.; defining the term "advertising
7 platform"; amending s. 509.032, F.S.; conforming a
8 cross-reference; revising the regulated activities of
9 public lodging establishments and public food service
10 establishments preempted to the state to include
11 licensing; revising an exemption to the prohibition
12 against certain local regulation of vacation rentals;
13 expanding the authority of local laws, ordinances, or
14 regulations to include requiring vacation rentals to
15 register with local vacation rental registration
16 programs; authorizing local governments to adopt
17 vacation rental registration programs and impose fines
18 for failure to register; providing construction;
19 authorizing local governments to charge fees up to
20 specified amounts for processing registration
21 applications and to charge reasonable inspection fees;
22 specifying requirements, procedures, and limitations
23 for local vacation rental registration programs;
24 authorizing local governments to suspend, terminate,
25 or refuse to issue or renew vacation rental
26 registrations under certain circumstances; preempting
27 the regulation of advertising platforms to the state;
28 amending s. 509.241, F.S.; authorizing the Division of
29 Hotels and Restaurants of the Department of Business

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30 and Professional Regulation to issue temporary
31 licenses upon receipt of vacation rental license
32 applications; providing for expiration of temporary
33 vacation rental licenses; requiring that any license
34 issued by the division be displayed conspicuously to
35 the public inside the licensed establishment;
36 requiring the owner or operator of certain vacation
37 rentals to also display its vacation rental license
38 number and applicable local registration number;
39 creating s. 509.243, F.S.; requiring advertising
40 platforms to require that persons placing
41 advertisements for vacation rentals include certain
42 information in the advertisements and attest to
43 certain information; requiring advertising platforms
44 to display and check such information; requiring the
45 division to maintain certain information in a readily
46 accessible electronic format by a certain date;
47 requiring advertising platforms to remove an
48 advertisement or a listing under certain conditions
49 and within a specified timeframe; requiring
50 advertising platforms to collect and remit specified
51 taxes for certain transactions; authorizing the
52 division to issue and deliver a notice to cease and
53 desist for certain violations; providing that such
54 notice does not constitute agency action for which
55 certain hearings may be sought; authorizing the
56 division to file certain proceedings; authorizing the
57 division to seek certain remedies for the purpose of
58 enforcing a cease and desist notice; authorizing the

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59 division to collect attorney fees and costs under
60 certain circumstances; authorizing the division to
61 impose a fine on advertising platforms for certain
62 violations; requiring the division to issue written
63 warnings or notices before commencing certain legal
64 proceedings; requiring advertising platforms to adopt
65 an antidiscrimination policy and to inform their users
66 of the policy's provisions; providing construction;
67 amending s. 509.261, F.S.; authorizing the division to
68 revoke, refuse to issue or renew, or suspend vacation
69 rental licenses under certain circumstances; amending
70 ss. 159.27, 212.08, 316.1955, 404.056, 477.0135,
71 509.221, 553.5041, 559.955, 705.17, 705.185, 717.1355,
72 and 877.24, F.S.; conforming cross-references;
73 providing applicability; authorizing the Department of
74 Revenue to adopt emergency rules; providing
75 requirements and an expiration for the emergency
76 rules; providing for the expiration of such rulemaking
77 authority; providing appropriations; providing
78 effective dates.

79
80 Be It Enacted by the Legislature of the State of Florida:

81
82 Section 1. Effective January 1, 2024, subsection (2) of
83 section 212.03, Florida Statutes, is amended to read:

84 212.03 Transient rentals tax; rate, procedure, enforcement,
85 exemptions.—

86 (2)(a) The tax provided for herein shall be in addition to
87 the total amount of the rental, shall be charged by the lessor

2023714e1

88 or person receiving the rent in and by said rental arrangement
89 to the lessee or person paying the rental, and shall be due and
90 payable at the time of the receipt of such rental payment by the
91 lessor or person, as defined in this chapter, who receives said
92 rental or payment. The owner, lessor, or person receiving the
93 rent shall remit the tax to the department at the times and in
94 the manner hereinafter provided for dealers to remit taxes under
95 this chapter. The same duties imposed by this chapter upon
96 dealers in tangible personal property respecting the collection
97 and remission of the tax; the making of returns; the keeping of
98 books, records, and accounts; and the compliance with the rules
99 and regulations of the department in the administration of this
100 chapter shall apply to and be binding upon all persons who
101 manage or operate hotels, apartment houses, roominghouses,
102 tourist and trailer camps, and the rental of condominium units,
103 and to all persons who collect or receive such rents on behalf
104 of such owner or lessor taxable under this chapter.

105 (b) If a guest uses a payment system on or through an
106 advertising platform, as defined in s. 509.013, to pay for the
107 rental of a vacation rental located in this state, the
108 advertising platform must collect and remit taxes as provided in
109 this paragraph.

110 1. An advertising platform, as defined in s. 509.013, which
111 owns, operates, or manages a vacation rental or which is related
112 within the meaning of s. 267(b), s. 707(b), or s. 1504 of the
113 Internal Revenue Code of 1986, as amended, to a person who owns,
114 operates, or manages the vacation rental shall collect and remit
115 all taxes due under this section and ss. 125.0104, 125.0108,
116 212.0305, and 212.055 which are related to the rental.

2023714e1

117 2. An advertising platform to which subparagraph 1. does
118 not apply shall collect and remit all taxes due from the owner,
119 operator, or manager under this section and ss. 125.0104,
120 125.0108, 212.0305, and 212.055 which are related to the rental.
121 Of the total amount paid by the lessee or rentee, the amount
122 retained by the advertising platform for reservation or payment
123 service is not taxable under this section or ss. 125.0104,
124 125.0108, 212.0305, and 212.055.

125
126 In order to facilitate the remittance of such taxes, the
127 counties that have elected to self-administer the taxes imposed
128 under chapter 125 must allow advertising platforms to register,
129 collect, and remit such taxes.

130 Section 2. Section 509.013, Florida Statutes, is reordered
131 and amended to read:

132 509.013 Definitions.—As used in this chapter, the term:

133 (1) "Advertising platform" means a person as defined in s.
134 1.01(3) who:

135 (a) Provides an online application, software, a website, or
136 a system through which a vacation rental located in this state
137 is advertised or held out to the public as available to rent for
138 transient occupancy;

139 (b) Provides or maintains a marketplace for the renting of
140 a vacation rental for transient occupancy; and

141 (c) Provides a reservation or payment system that
142 facilitates a transaction for the renting of a vacation rental
143 for transient occupancy and for which the person collects or
144 receives, directly or indirectly, a fee in connection with the
145 reservation or payment service provided for the rental

2023714e1

146 transaction.

147 (3)~~(1)~~ "Division" means the Division of Hotels and
148 Restaurants of the Department of Business and Professional
149 Regulation.

150 (8)~~(2)~~ "Operator" means the owner, licensee, proprietor,
151 lessee, manager, assistant manager, or appointed agent of a
152 public lodging establishment or public food service
153 establishment.

154 (4)~~(3)~~ "Guest" means any patron, customer, tenant, lodger,
155 boarder, or occupant of a public lodging establishment or public
156 food service establishment.

157 (10)(a)~~(4)(a)~~ "Public lodging establishment" includes a
158 transient public lodging establishment as defined in
159 subparagraph 1. and a nontransient public lodging establishment
160 as defined in subparagraph 2.

161 1. "Transient public lodging establishment" means any unit,
162 group of units, dwelling, building, or group of buildings within
163 a single complex of buildings which is rented to guests more
164 than three times in a calendar year for periods of less than 30
165 days or 1 calendar month, whichever is less, or which is
166 advertised or held out to the public as a place regularly rented
167 to guests.

168 2. "Nontransient public lodging establishment" means any
169 unit, group of units, dwelling, building, or group of buildings
170 within a single complex of buildings which is rented to guests
171 for periods of at least 30 days or 1 calendar month, whichever
172 is less, or which is advertised or held out to the public as a
173 place regularly rented to guests for periods of at least 30 days
174 or 1 calendar month.

2023714e1

175
176 License classifications of public lodging establishments, and
177 the definitions therefor, are set out in s. 509.242. For the
178 purpose of licensure, the term does not include condominium
179 common elements as defined in s. 718.103.

180 (b) The following are excluded from the definitions in
181 paragraph (a):

182 1. Any dormitory or other living or sleeping facility
183 maintained by a public or private school, college, or university
184 for the use of students, faculty, or visitors.

185 2. Any facility certified or licensed and regulated by the
186 Agency for Health Care Administration or the Department of
187 Children and Families or other similar place regulated under s.
188 381.0072.

189 3. Any place renting four rental units or less, unless the
190 rental units are advertised or held out to the public to be
191 places that are regularly rented to transients.

192 4. Any unit or group of units in a condominium,
193 cooperative, or timeshare plan and any individually or
194 collectively owned one-family, two-family, three-family, or
195 four-family dwelling house or dwelling unit that is rented for
196 periods of at least 30 days or 1 calendar month, whichever is
197 less, and that is not advertised or held out to the public as a
198 place regularly rented for periods of less than 1 calendar
199 month, provided that no more than four rental units within a
200 single complex of buildings are available for rent.

201 5. Any migrant labor camp or residential migrant housing
202 permitted by the Department of Health under ss. 381.008-
203 381.00895.

2023714e1

204 6. Any establishment inspected by the Department of Health
205 and regulated by chapter 513.

206 7. Any nonprofit organization that operates a facility
207 providing housing only to patients, patients' families, and
208 patients' caregivers and not to the general public.

209 8. Any apartment building inspected by the United States
210 Department of Housing and Urban Development or other entity
211 acting on the department's behalf that is designated primarily
212 as housing for persons at least 62 years of age. The division
213 may require the operator of the apartment building to attest in
214 writing that such building meets the criteria provided in this
215 subparagraph. The division may adopt rules to implement this
216 requirement.

217 9. Any roominghouse, boardinghouse, or other living or
218 sleeping facility that may not be classified as a hotel, motel,
219 timeshare project, vacation rental, nontransient apartment, bed
220 and breakfast inn, or transient apartment under s. 509.242.

221 (9)(a)~~(5)(a)~~ "Public food service establishment" means any
222 building, vehicle, place, or structure, or any room or division
223 in a building, vehicle, place, or structure where food is
224 prepared, served, or sold for immediate consumption on or in the
225 vicinity of the premises; called for or taken out by customers;
226 or prepared before ~~prior to~~ being delivered to another location
227 for consumption. The term includes a culinary education program,
228 as defined in s. 381.0072(2), which offers, prepares, serves, or
229 sells food to the general public, regardless of whether it is
230 inspected by another state agency for compliance with sanitation
231 standards.

232 (b) The following are excluded from the definition in

2023714e1

233 paragraph (a):

234 1. Any place maintained and operated by a public or private
235 school, college, or university:

236 a. For the use of students and faculty; or

237 b. Temporarily to serve such events as fairs, carnivals,
238 food contests, cook-offs, and athletic contests.

239 2. Any eating place maintained and operated by a church or
240 a religious, nonprofit fraternal, or nonprofit civic
241 organization:

242 a. For the use of members and associates; or

243 b. Temporarily to serve such events as fairs, carnivals,
244 food contests, cook-offs, or athletic contests.

245

246 Upon request by the division, a church or a religious, nonprofit
247 fraternal, or nonprofit civic organization claiming an exclusion
248 under this subparagraph must provide the division documentation
249 of its status as a church or a religious, nonprofit fraternal,
250 or nonprofit civic organization.

251 3. Any eating place maintained and operated by an
252 individual or entity at a food contest, cook-off, or a temporary
253 event lasting from 1 to 3 days which is hosted by a church or a
254 religious, nonprofit fraternal, or nonprofit civic organization.

255 Upon request by the division, the event host must provide the
256 division documentation of its status as a church or a religious,
257 nonprofit fraternal, or nonprofit civic organization.

258 4. Any eating place located on an airplane, train, bus, or
259 watercraft that ~~which~~ is a common carrier.

260 5. Any eating place maintained by a facility certified or
261 licensed and regulated by the Agency for Health Care

2023714e1

262 Administration or the Department of Children and Families or
263 other similar place that is regulated under s. 381.0072.

264 6. Any place of business issued a permit or inspected by
265 the Department of Agriculture and Consumer Services under s.
266 500.12.

267 7. Any place of business where the food available for
268 consumption is limited to ice, beverages with or without
269 garnishment, popcorn, or prepackaged items sold without
270 additions or preparation.

271 8. Any theater, if the primary use is as a theater and if
272 patron service is limited to food items customarily served to
273 the admittees of theaters.

274 9. Any vending machine that dispenses any food or beverages
275 other than potentially hazardous foods, as defined by division
276 rule.

277 10. Any vending machine that dispenses potentially
278 hazardous food and which is located in a facility regulated
279 under s. 381.0072.

280 11. Any research and development test kitchen limited to
281 the use of employees and which is not open to the general
282 public.

283 (2)~~(6)~~ "Director" means the Director of the Division of
284 Hotels and Restaurants of the Department of Business and
285 Professional Regulation.

286 (11)~~(7)~~ "Single complex of buildings" means all buildings
287 or structures that are owned, managed, controlled, or operated
288 under one business name and are situated on the same tract or
289 plot of land that is not separated by a public street or
290 highway.

2023714e1

291 (12)~~(8)~~ "Temporary food service event" means any event of
292 30 days or less in duration where food is prepared, served, or
293 sold to the general public.

294 (13)~~(9)~~ "Theme park or entertainment complex" means a
295 complex comprised of at least 25 contiguous acres owned and
296 controlled by the same business entity and which contains
297 permanent exhibitions and a variety of recreational activities
298 and has a minimum of 1 million visitors annually.

299 (14)~~(10)~~ "Third-party provider" means, for purposes of s.
300 509.049, any provider of an approved food safety training
301 program that provides training or such a training program to a
302 public food service establishment that is not under common
303 ownership or control with the provider.

304 (16)~~(11)~~ "Transient establishment" means any public lodging
305 establishment that is rented or leased to guests by an operator
306 whose intention is that such guests' occupancy will be
307 temporary.

308 (17)~~(12)~~ "Transient occupancy" means occupancy when it is
309 the intention of the parties that the occupancy will be
310 temporary. There is a rebuttable presumption that, when the
311 dwelling unit occupied is not the sole residence of the guest,
312 the occupancy is transient.

313 (15)~~(13)~~ "Transient" means a guest in transient occupancy.

314 (6)~~(14)~~ "Nontransient establishment" means any public
315 lodging establishment that is rented or leased to guests by an
316 operator whose intention is that the dwelling unit occupied will
317 be the sole residence of the guest.

318 (7)~~(15)~~ "Nontransient occupancy" means occupancy when it is
319 the intention of the parties that the occupancy will not be

2023714e1

320 temporary. There is a rebuttable presumption that, when the
321 dwelling unit occupied is the sole residence of the guest, the
322 occupancy is nontransient.

323 (5)~~(16)~~ "Nontransient" means a guest in nontransient
324 occupancy.

325 Section 3. Paragraph (c) of subsection (3) and paragraphs
326 (a) and (b) of subsection (7) of section 509.032, Florida
327 Statutes, are amended, and paragraph (d) is added to subsection
328 (7) of that section, to read:

329 509.032 Duties.—

330 (3) SANITARY STANDARDS; EMERGENCIES; TEMPORARY FOOD SERVICE
331 EVENTS.—The division shall:

332 (c) Administer a public notification process for temporary
333 food service events and distribute educational materials that
334 address safe food storage, preparation, and service procedures.

335 1. Sponsors of temporary food service events shall notify
336 the division not less than 3 days before the scheduled event of
337 the type of food service proposed, the time and location of the
338 event, a complete list of food service vendors participating in
339 the event, the number of individual food service facilities each
340 vendor will operate at the event, and the identification number
341 of each food service vendor's current license as a public food
342 service establishment or temporary food service event licensee.
343 Notification may be completed orally, by telephone, in person,
344 or in writing. A public food service establishment or food
345 service vendor may not use this notification process to
346 circumvent the license requirements of this chapter.

347 2. The division shall keep a record of all notifications
348 received for proposed temporary food service events and shall

2023714e1

349 provide appropriate educational materials to the event sponsors
350 and notify the event sponsors of the availability of the food-
351 recovery brochure developed under s. 595.420.

352 3.a. Unless excluded under s. 509.013(9)(b) ~~s.~~
353 ~~509.013(5)(b)~~, a public food service establishment or other food
354 service vendor must obtain one of the following classes of
355 license from the division: an individual license, for a fee of
356 no more than \$105, for each temporary food service event in
357 which it participates; or an annual license, for a fee of no
358 more than \$1,000, that entitles the licensee to participate in
359 an unlimited number of food service events during the license
360 period. The division shall establish license fees, by rule, and
361 may limit the number of food service facilities a licensee may
362 operate at a particular temporary food service event under a
363 single license.

364 b. Public food service establishments holding current
365 licenses from the division may operate under the regulations of
366 such a license at temporary food service events.

367 (7) PREEMPTION AUTHORITY.—

368 (a) The regulation of public lodging establishments and
369 public food service establishments, including, but not limited
370 to, sanitation standards, licensing, inspections, training and
371 testing of personnel, and matters related to the nutritional
372 content and marketing of foods offered in such establishments,
373 is preempted to the state. This paragraph does not preempt the
374 authority of a local government or local enforcement district to
375 conduct inspections of public lodging and public food service
376 establishments for compliance with the Florida Building Code and
377 the Florida Fire Prevention Code, pursuant to ss. 553.80 and

2023714e1

378 633.206.

379 (b)1. A local law, ordinance, or regulation may not
380 prohibit vacation rentals or regulate the duration or frequency
381 of rental of vacation rentals. This paragraph does not apply to
382 any local law, ordinance, or regulation adopted on or before
383 June 1, 2011, including when such law, ordinance, or regulation
384 is amended to be less restrictive or to comply with the local
385 registration requirements provided in this paragraph, or when a
386 law, ordinance, or regulation adopted after June 1, 2011,
387 regulates vacation rentals, if such law, ordinance, or
388 regulation is less restrictive than a law, ordinance, or
389 regulation that was in effect on June 1, 2011. Notwithstanding
390 paragraph (a), a local law, ordinance, or regulation may require
391 the registration of vacation rentals with a local vacation
392 rental registration program. Local governments may adopt a
393 vacation rental registration program pursuant to subparagraph 3.
394 and impose a fine for failure to register under the vacation
395 rental registration program. This paragraph does not prohibit a
396 local law, ordinance, or regulation from restricting the maximum
397 occupancy for residential properties that are rented if
398 uniformly applied without regard to whether the residential
399 property is used as a vacation rental.

400 2. Local governments may charge a fee of no more than \$150
401 for processing an individual registration application or \$200
402 for processing a collective registration application for up to a
403 total of 25 individual vacation rentals. A local law, ordinance,
404 or regulation may not require renewal of a registration more
405 than once per year. However, if there is a change of ownership,
406 the new owner may be required to submit a new application for

2023714e1

407 registration. Subsequent to the registration of a vacation
408 rental, local governments may charge a reasonable fee to inspect
409 a vacation rental after registration to verify compliance with
410 the Florida Building Code and the Florida Fire Prevention Code.

411 3. As a condition of registration, the local law,
412 ordinance, or regulation may only require the owner or operator
413 of a vacation rental to:

414 a. Submit identifying information about the owner or the
415 owner's agents and the subject vacation rental property.

416 b. Obtain a license issued by the division to operate as a
417 vacation rental.

418 c. Obtain all required tax registrations, receipts, or
419 certificates issued by the Department of Revenue, a county, or a
420 municipal government.

421 d. Update required information on a continuing basis to
422 ensure it is current.

423 e. Comply with parking standards and solid waste handling
424 and containment requirements, so long as such standards and
425 requirements are not imposed solely on vacation rentals.

426 f. Designate and maintain at all times a responsible party
427 who is capable of responding to complaints and other immediate
428 problems related to the vacation rental, including being
429 available by telephone at a provided contact telephone number 24
430 hours a day, 7 days a week, and receiving legal notice of
431 violations on behalf of the owner.

432 g. State the maximum occupancy of the vacation rental based
433 on the number of sleeping accommodations for persons staying
434 overnight in the vacation rental.

435 h. Pay in full all recorded municipal or county code liens

2023714e1

436 against the subject property.

437 i. Provide to guests information related to health and
438 safety concerns and applicable laws, ordinances, or regulations
439 by posting on the property or by delivery to guests.

440 4.a. Within 15 business days after receiving an application
441 for registration of a vacation rental, the local government must
442 review the application for completeness and accept the
443 registration of the vacation rental or issue a written notice
444 specifying with particularity any areas that are deficient. Such
445 notice may be provided by United States mail or electronically.

446 b. The vacation rental owner or operator and the local
447 government may agree to a reasonable request to extend the
448 timeframes provided in this subparagraph, particularly in the
449 event of a force majeure or other extraordinary circumstance.

450 c. When a local government denies an application for
451 registration of a vacation rental, the local government must
452 give written notice to the applicant. Such notice may be
453 provided by United States mail or electronically. The notice
454 must specify with particularity the factual reasons for the
455 denial and include a citation to the applicable portions of an
456 ordinance, a rule, a statute, or other legal authority for the
457 denial of the registration. A local government may not deny an
458 applicant from reapplying if the applicant cures the identified
459 deficiencies.

460 d. If the local government fails to accept or deny the
461 registration within the timeframes provided in this
462 subparagraph, the application is deemed accepted.

463 e. Upon an accepted registration of a vacation rental, a
464 local government shall assign a unique registration number to

2023714e1

465 the vacation rental or other indicia of registration and provide
466 the registration number or other indicia of registration to the
467 owner or operator of the vacation rental in writing or
468 electronically.

469 5. The local government may terminate, or refuse to issue
470 or renew a vacation rental registration if:

471 a. There is an unsatisfied recorded municipal lien or
472 county lien on the real property of the vacation rental.

473 However, local government must allow the vacation rental owner
474 at least 60 days before the termination of a registration to
475 satisfy the recorded municipal lien or county code lien; or

476 b. The premises and its owner are the subject of a final
477 order or judgment lawfully directing the termination of the
478 premises' use as a vacation rental.

479 6. When the subject premises, the owner, or operator has
480 been found by the code enforcement board or special magistrate
481 pursuant to s. 162.06, to have violated a registration
482 requirement authorized pursuant to this paragraph or to have
483 violated a local law, ordinance, or regulation that does not
484 apply solely to vacation rentals, if the local government has
485 issued a written warning or notice after each violation, it may:

486 a. Suspend a registration for a period of up to 30 days for
487 three or more violations during a 90 day period; and

488 b. Suspend a registration for a period of up to six months
489 for a subsequent violation within six months of the prior
490 suspension period.

491 (d) The regulation of advertising platforms is preempted to
492 the state as provided in this chapter.

493 Section 4. Effective January 1, 2024, subsections (2) and

2023714e1

494 (3) of section 509.241, Florida Statutes, are amended to read:

495 509.241 Licenses required; exceptions.—

496 (2) APPLICATION FOR LICENSE.—Each person who plans to open
497 a public lodging establishment or a public food service
498 establishment shall apply for and receive a license from the
499 division before ~~prior to~~ the commencement of operation. A
500 condominium association, as defined in s. 718.103, which does
501 not own any units classified as vacation rentals or timeshare
502 projects under s. 509.242(1)(c) or (g) is not required to apply
503 for or receive a public lodging establishment license. Upon
504 receiving an application for a vacation rental license, the
505 division may grant a temporary license that authorizes the
506 vacation rental to begin operation while the application is
507 pending and to post the information required under s.
508 509.243(1)(c). The temporary license automatically expires upon
509 final agency action regarding the license application.

510 (3) DISPLAY OF LICENSE.—Any license issued by the division
511 must ~~shall~~ be conspicuously displayed to the public inside in
512 ~~the office or lobby of the~~ licensed establishment. Public food
513 service establishments that ~~which~~ offer catering services must
514 ~~shall~~ display their license number on all advertising for
515 catering services. The owner or operator of a vacation rental
516 offered for transient occupancy through an advertising platform
517 must also display the vacation rental license number and, if
518 applicable, the local registration number.

519 Section 5. Effective January 1, 2024, section 509.243,
520 Florida Statutes, is created to read:

521 509.243 Advertising platforms.—

522 (1)(a) An advertising platform must require that a person

2023714e1

523 who places an advertisement for the rental of a vacation rental:

524 1. Include in the advertisement the vacation rental license
525 number and, if applicable, the local registration number; and

526 2. Attest to the best of the person's knowledge that the
527 license number for the vacation rental property is current,
528 valid, and accurately stated in the advertisement, and that the
529 local registration number for the vacation rental property is
530 current, valid, and accurately stated in the advertisement or
531 that a local registration is not required.

532 (b) An advertising platform must display the vacation
533 rental license number and, if applicable, the local registration
534 number based upon the attestation in subparagraph (a)2.

535 Effective July 1, 2024, the advertising platform must check that
536 the vacation rental license number provided by the owner or
537 operator appears as current in the information posted by the
538 division pursuant to paragraph (c) and applies to the subject
539 vacation rental before publishing the advertisement on its
540 platform and again at the end of each calendar quarter that the
541 advertisement remains on its platform.

542 (c) By July 1, 2024, the division shall maintain vacation
543 rental license information in a readily accessible electronic
544 format that is sufficient to facilitate prompt compliance with
545 the requirements of this subsection by an advertising platform
546 or a person placing an advertisement on an advertising platform
547 for transient rental of a vacation rental.

548 (2) An advertising platform must remove from public view an
549 advertisement or a listing from its online application,
550 software, website, or system within 15 business days after being
551 notified by the division in writing that the subject

2023714e1

552 advertisement or listing for the rental of a vacation rental
553 located in this state fails to display a valid license number
554 issued by the division.

555 (3) If a guest uses a payment system on or through an
556 advertising platform to pay for the rental of a vacation rental
557 located in this state, the advertising platform must collect and
558 remit all taxes due under ss. 125.0104, 125.0108, 205.044,
559 212.03, 212.0305, and 212.055 related to the rental as provided
560 in s. 212.03(2)(b).

561 (4) If the division has probable cause to believe that a
562 person not licensed by the division has violated this chapter or
563 any rule adopted pursuant thereto, the division may issue and
564 deliver to such person a notice to cease and desist from the
565 violation. The issuance of a notice to cease and desist does not
566 constitute agency action for which a hearing under s. 120.569 or
567 s. 120.57 may be sought. For the purpose of enforcing a cease
568 and desist notice, the division may file a proceeding in the
569 name of the state seeking the issuance of an injunction or a
570 writ of mandamus against any person who violates any provision
571 of the notice. If the division is required to seek enforcement
572 of the notice for a penalty pursuant to s. 120.69, it is
573 entitled to collect attorney fees and costs, together with any
574 cost of collection.

575 (5) The division may fine an advertising platform an amount
576 not to exceed \$1,000 per offense for violations of this section
577 or of the rules of the division. For the purposes of this
578 subsection, the division may regard as a separate offense each
579 day or portion of a day in which an advertising platform is
580 operated in violation of this section or rules of the division.

2023714e1

581 The division shall issue a written warning or notice and provide
582 the advertising platform 15 days to cure a violation before
583 commencing any legal proceeding under subsection (4).

584 (6) Advertising platforms shall adopt an antidiscrimination
585 policy to help prevent discrimination among their users and
586 shall inform all users of their services that it is illegal to
587 refuse accommodation to an individual based on race, creed,
588 color, sex, pregnancy, physical disability, or national origin
589 pursuant to s. 509.092.

590 (7) Advertising platforms that comply with the requirements
591 of this section are deemed to be in compliance with the
592 requirements of this chapter. This section does not create and
593 is not intended to create a private cause of action against
594 advertising platforms. An advertising platform may not be held
595 liable for any action it takes voluntarily in good faith in
596 relation to its users to comply with this chapter or the
597 advertising platform's terms of service.

598 Section 6. Subsection (10) is added to section 509.261,
599 Florida Statutes, to read:

600 509.261 Revocation or suspension of licenses; fines;
601 procedure.—

602 (10) The division may revoke, refuse to issue or renew, or
603 suspend for a period of not more than 30 days a vacation rental
604 license when:

605 (a) The operation of the subject premises violates the
606 terms of an applicable lease or property restriction, including
607 any property restriction adopted pursuant to chapter 718,
608 chapter 719, or chapter 720, as determined by a final order of a
609 court of competent jurisdiction or a written decision by an

2023714e1

610 arbitrator authorized to arbitrate a dispute relating to the
611 subject property and a lease or property restriction;

612 (b) The registration of the vacation rental is terminated
613 by a local government as provided in s. 509.032(7)(b)5.; or

614 (c) The premises and its owner are the subject of a final
615 order or judgment lawfully directing the termination of the
616 premises' use as a vacation rental.

617 Section 7. Subsection (12) of section 159.27, Florida
618 Statutes, is amended to read:

619 159.27 Definitions.—The following words and terms, unless
620 the context clearly indicates a different meaning, shall have
621 the following meanings:

622 (12) "Public lodging or restaurant facility" means property
623 used for any public lodging establishment as defined in s.
624 509.242 or public food service establishment as defined in s.
625 509.013 ~~s. 509.013(5)~~ if it is part of the complex of, or
626 necessary to, another facility qualifying under this part.

627 Section 8. Paragraph (jj) of subsection (7) of section
628 212.08, Florida Statutes, is amended to read:

629 212.08 Sales, rental, use, consumption, distribution, and
630 storage tax; specified exemptions.—The sale at retail, the
631 rental, the use, the consumption, the distribution, and the
632 storage to be used or consumed in this state of the following
633 are hereby specifically exempt from the tax imposed by this
634 chapter.

635 (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any
636 entity by this chapter do not inure to any transaction that is
637 otherwise taxable under this chapter when payment is made by a
638 representative or employee of the entity by any means,

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639 including, but not limited to, cash, check, or credit card, even
640 when that representative or employee is subsequently reimbursed
641 by the entity. In addition, exemptions provided to any entity by
642 this subsection do not inure to any transaction that is
643 otherwise taxable under this chapter unless the entity has
644 obtained a sales tax exemption certificate from the department
645 or the entity obtains or provides other documentation as
646 required by the department. Eligible purchases or leases made
647 with such a certificate must be in strict compliance with this
648 subsection and departmental rules, and any person who makes an
649 exempt purchase with a certificate that is not in strict
650 compliance with this subsection and the rules is liable for and
651 shall pay the tax. The department may adopt rules to administer
652 this subsection.

653 (jj) *Complimentary meals.*—Also exempt from the tax imposed
654 by this chapter are food or drinks that are furnished as part of
655 a packaged room rate by any person offering for rent or lease
656 any transient living accommodations as described in s.
657 509.013(10)(a) ~~s. 509.013(4)(a)~~ which are licensed under part I
658 of chapter 509 and which are subject to the tax under s. 212.03,
659 if a separate charge or specific amount for the food or drinks
660 is not shown. Such food or drinks are considered to be sold at
661 retail as part of the total charge for the transient living
662 accommodations. Moreover, the person offering the accommodations
663 is not considered to be the consumer of items purchased in
664 furnishing such food or drinks and may purchase those items
665 under conditions of a sale for resale.

666 Section 9. Paragraph (b) of subsection (4) of section
667 316.1955, Florida Statutes, is amended to read:

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668 316.1955 Enforcement of parking requirements for persons
669 who have disabilities.-

670 (4)

671 (b) Notwithstanding paragraph (a), a theme park or an
672 entertainment complex as defined in s. 509.013 ~~s. 509.013(9)~~
673 which provides parking in designated areas for persons who have
674 disabilities may allow any vehicle that is transporting a person
675 who has a disability to remain parked in a space reserved for
676 persons who have disabilities throughout the period the theme
677 park is open to the public for that day.

678 Section 10. Subsection (5) of section 404.056, Florida
679 Statutes, is amended to read:

680 404.056 Environmental radiation standards and projects;
681 certification of persons performing measurement or mitigation
682 services; mandatory testing; notification on real estate
683 documents; rules.-

684 (5) NOTIFICATION ON REAL ESTATE DOCUMENTS.-Notification
685 shall be provided on at least one document, form, or application
686 executed at the time of, or before ~~prior to~~, contract for sale
687 and purchase of any building or execution of a rental agreement
688 for any building. Such notification must ~~shall~~ contain the
689 following language:

690

691 "RADON GAS: Radon is a naturally occurring radioactive gas
692 that, when it has accumulated in a building in sufficient
693 quantities, may present health risks to persons who are exposed
694 to it over time. Levels of radon that exceed federal and state
695 guidelines have been found in buildings in Florida. Additional
696 information regarding radon and radon testing may be obtained

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697 from your county health department.”

698

699 The requirements of this subsection do not apply to any
700 residential transient occupancy, as described in s. 509.013 ~~s.~~
701 ~~509.013(12)~~, provided that such occupancy is 45 days or less in
702 duration.

703 Section 11. Subsection (6) of section 477.0135, Florida
704 Statutes, is amended to read:

705 477.0135 Exemptions.—

706 (6) A license is not required of any individual providing
707 makeup or special effects services in a theme park or
708 entertainment complex to an actor, stunt person, musician,
709 extra, or other talent, or providing makeup or special effects
710 services to the general public. The term “theme park or
711 entertainment complex” has the same meaning as in s. 509.013 ~~s.~~
712 ~~509.013(9)~~.

713 Section 12. Paragraph (b) of subsection (2) of section
714 509.221, Florida Statutes, is amended to read:

715 509.221 Sanitary regulations.—

716 (2)

717 (b) Within a theme park or entertainment complex as defined
718 in s. 509.013 ~~s. 509.013(9)~~, the bathrooms are not required to
719 be in the same building as the public food service
720 establishment, so long as they are reasonably accessible.

721 Section 13. Paragraph (b) of subsection (5) of section
722 553.5041, Florida Statutes, is amended to read:

723 553.5041 Parking spaces for persons who have disabilities.—

724 (5) Accessible perpendicular and diagonal accessible
725 parking spaces and loading zones must be designed and located to

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726 conform to ss. 502 and 503 of the standards.

727 (b) If there are multiple entrances or multiple retail
728 stores, the parking spaces must be dispersed to provide parking
729 at the nearest accessible entrance. If a theme park or an
730 entertainment complex as defined in s. 509.013 ~~s. 509.013(9)~~
731 provides parking in several lots or areas from which access to
732 the theme park or entertainment complex is provided, a single
733 lot or area may be designated for parking by persons who have
734 disabilities, if the lot or area is located on the shortest
735 accessible route to an accessible entrance to the theme park or
736 entertainment complex or to transportation to such an accessible
737 entrance.

738 Section 14. Paragraph (b) of subsection (5) of section
739 559.955, Florida Statutes, is amended to read:

740 559.955 Home-based businesses; local government
741 restrictions.—

742 (5) The application of this section does not supersede:

743 (b) Local laws, ordinances, or regulations related to
744 transient public lodging establishments, as defined in s.
745 509.013(10)(a)1. ~~s. 509.013(4)(a)1.~~, that are not otherwise
746 preempted under chapter 509.

747 Section 15. Subsection (2) of section 705.17, Florida
748 Statutes, is amended to read:

749 705.17 Exceptions.—

750 (2) Sections 705.1015-705.106 do not apply to any personal
751 property lost or abandoned on premises located within a theme
752 park or entertainment complex, as defined in s. 509.013 ~~s.~~
753 ~~509.013(9)~~, or operated as a zoo, a museum, or an aquarium, or
754 on the premises of a public food service establishment or a

2023714e1

755 public lodging establishment licensed under part I of chapter
756 509, if the owner or operator of such premises elects to comply
757 with s. 705.185.

758 Section 16. Section 705.185, Florida Statutes, is amended
759 to read:

760 705.185 Disposal of personal property lost or abandoned on
761 the premises of certain facilities.—When any lost or abandoned
762 personal property is found on premises located within a theme
763 park or entertainment complex, as defined in s. 509.013 ~~s.~~
764 ~~509.013(9)~~, or operated as a zoo, a museum, or an aquarium, or
765 on the premises of a public food service establishment or a
766 public lodging establishment licensed under part I of chapter
767 509, if the owner or operator of such premises elects to comply
768 with this section, any lost or abandoned property must be
769 delivered to such owner or operator, who must take charge of the
770 property and make a record of the date such property was found.
771 If the property is not claimed by its owner within 30 days after
772 it is found, or a longer period of time as may be deemed
773 appropriate by the owner or operator of the premises, the owner
774 or operator of the premises may not sell and must dispose of the
775 property or donate it to a charitable institution that is exempt
776 from federal income tax under s. 501(c)(3) of the Internal
777 Revenue Code for sale or other disposal as the charitable
778 institution deems appropriate. The rightful owner of the
779 property may reclaim the property from the owner or operator of
780 the premises at any time before the disposal or donation of the
781 property in accordance with this section and the established
782 policies and procedures of the owner or operator of the
783 premises. A charitable institution that accepts an electronic

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784 device, as defined in s. 815.03(9), access to which is not
785 secured by a password or other personal identification
786 technology, shall make a reasonable effort to delete all
787 personal data from the electronic device before its sale or
788 disposal.

789 Section 17. Section 717.1355, Florida Statutes, is amended
790 to read:

791 717.1355 Theme park and entertainment complex tickets.—This
792 chapter does not apply to any tickets for admission to a theme
793 park or entertainment complex as defined in s. 509.013 ~~s.~~
794 ~~509.013(9)~~, or to any tickets to a permanent exhibition or
795 recreational activity within such theme park or entertainment
796 complex.

797 Section 18. Subsection (8) of section 877.24, Florida
798 Statutes, is amended to read:

799 877.24 Nonapplication of s. 877.22.—Section 877.22 does not
800 apply to a minor who is:

801 (8) Attending an organized event held at and sponsored by a
802 theme park or entertainment complex as defined in s. 509.013 ~~s.~~
803 ~~509.013(9)~~.

804 Section 19. The application of this act does not supersede
805 any current or future declaration or declaration of condominium
806 adopted pursuant to chapter 718, Florida Statutes, cooperative
807 document adopted pursuant to chapter 719, Florida Statutes, or
808 declaration or declaration of covenant adopted pursuant to
809 chapter 720, Florida Statutes.

810 Section 20. (1) The Department of Revenue is authorized,
811 and all conditions are deemed to be met, to adopt emergency
812 rules pursuant to s. 120.54(4), Florida Statutes, for the

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813 purpose of implementing the amendment made by this act to s.
814 212.03, Florida Statutes, including establishing procedures to
815 facilitate the remittance of taxes.

816 (2) Notwithstanding any other law, emergency rules adopted
817 pursuant to subsection (1) are effective for 6 months after
818 adoption and may be renewed during the pendency of procedures to
819 adopt permanent rules addressing the subject of the emergency
820 rules.

821 (3) This section expires January 1, 2026.

822 Section 21. For the 2023-2024 fiscal year, the sums of
823 \$298,507 in recurring funds and \$49,017 in nonrecurring funds
824 from the Hotel and Restaurant Trust Fund and \$175,868 in
825 recurring funds and \$17,025 in nonrecurring funds from the
826 Administrative Trust Fund are appropriated to the Department of
827 Business and Professional Regulation, and six full-time
828 equivalent positions with a total associated salary rate of
829 284,854 are authorized, for the purpose of implementing this
830 act.

831 Section 22. Except as otherwise expressly provided in this
832 act, this act shall take effect upon becoming a law.

Select Year:

The 2023 Florida Statutes (including Special Session C)

Title XXXIII
REGULATION OF TRADE, COMMERCE,
INVESTMENTS, AND SOLICITATIONS

Chapter 509
LODGING AND FOOD SERVICE
ESTABLISHMENTS; MEMBERSHIP
CAMPGROUNDS

[View Entire
Chapter](#)

509.242 Public lodging establishments; classifications. –

(1) A public lodging establishment shall be classified as a hotel, motel, nontransient apartment, transient apartment, bed and breakfast inn, timeshare project, or vacation rental if the establishment satisfies the following criteria:

(a) *Hotel*.—A hotel is any public lodging establishment containing sleeping room accommodations for 25 or more guests and providing the services generally provided by a hotel and recognized as a hotel in the community in which it is situated or by the industry.

(b) *Motel*.—A motel is any public lodging establishment which offers rental units with an exit to the outside of each rental unit, daily or weekly rates, offstreet parking for each unit, a central office on the property with specified hours of operation, a bathroom or connecting bathroom for each rental unit, and at least six rental units, and which is recognized as a motel in the community in which it is situated or by the industry.

(c) *Vacation rental*.—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.

(d) *Nontransient apartment*.—A nontransient apartment is a building or complex of buildings in which 75 percent or more of the units are available for rent to nontransient tenants.

(e) *Transient apartment*.—A transient apartment is a building or complex of buildings in which more than 25 percent of the units are advertised or held out to the public as available for transient occupancy.

(f) *Bed and breakfast inn*.—A bed and breakfast inn is a family home structure, with no more than 15 sleeping rooms, which has been modified to serve as a transient public lodging establishment, which provides the accommodation and meal services generally offered by a bed and breakfast inn, and which is recognized as a bed and breakfast inn in the community in which it is situated or by the hospitality industry.

(g) *Timeshare project*.—A timeshare project is a timeshare property, as defined in chapter 721, that is located in this state and that is also a transient public lodging establishment.

(2) If 25 percent or more of the units in any public lodging establishment fall within a classification different from the classification under which the establishment is licensed, such establishment shall obtain a separate license for the classification representing the 25 percent or more units which differ from the classification under which the establishment is licensed.

(3) A public lodging establishment may advertise or display signs which advertise a specific classification, if it has received a license which is applicable to the specific classification and it fulfills the requirements of that classification.

History.—s. 2, ch. 57-824; s. 2, ch. 61-81; ss. 16, 35, ch. 69-106; s. 3, ch. 76-168; s. 1, ch. 77-457; ss. 19, 39, 42, ch. 79-240; ss. 3, 4, ch. 81-161; ss. 2, 3, ch. 81-318; ss. 26, 51, 52, ch. 90-339; s. 11, ch. 91-40; s. 4, ch. 91-429; s. 9, ch. 93-53; s. 12, ch. 96-384; s. 7, ch. 2008-55; s. 5, ch. 2011-119; s. 2, ch. 2012-165; s. 5, ch. 2014-133.



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WHETHER ITS A QUESTION ABOUT A PRODUCT, A PARTNERSHIP DEAL, OR A JOB INQUIRY, WE'D LOVE TO HEAR FROM YOU. CALL US OR SEND US AN EMAIL.

Contact Info

1620 Fifth Avenue, Suite 400

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619-501-4208



General Information

admin@deckard.com



Investor Relations

ir@deckard.com



Media Contact

Nick del Pego

Cell: 858-248-9492

Office Number: 619-501-4208



Deckard Technologies is a real estate data analytics and technology company focused on ensuring regulatory compliance, public safety and community equity



CONTACT

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Diego, California 9210

admin@deckard.com

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TAKE CONTROL OF YOUR LOCAL SHORT-TERM RENTAL MARKET.

READ MORE

TAKE A TOUR



0:00 / 0:50

Customers reviews

WHAT PEOPLE SAY?



Great to work with and very responsive.

Johnny Terfehr

COMMUNITY ENHANCEMENT & SAFETY MANAGER, CITY OF EASTVALE, CA



Site is very easy to navigate, very useful for our needs.

Adam Cheise

TREASURER-TAX COLLECTOR, COUNTY OF DEL NORTE, CA



Deckard has been a great organization to work with. We have worked with several previous vendors that provided a product that was not flexible and provided limited information. Deckard has gone above and beyond to help us with a product that is easy to use and flexible for our team. They also have great customer service and are there for any questions from our team. They have been a great addition to our family.

Gilbert Villalpando

ASSISTANT TO CITY MANAGER, CITY OF LA QUINTA, CA

FEATURES GALORE



Compliance Verification

Which hosts are complaint with local guidelines, rules and ordinances? We identify any and all violations and issues as soon as they occur.



Address Identification

Which properties are being rented out on a short-term basis? Long-term basis? We have exact addresses to pinpoint compliance and violations.



Registration/Tax Collection

Need a simple, efficient way for your hosts to register and pay their fees and taxes? Our desktop and mobile app allows them to do that from the comfort of their home!



Complaint Management

Want to enable you residents to fully document complaints in real time, including video and audio recordings? Our app does that!



Host Communications

Need to communicate with your hosts regarding any issues, updates or account-specific matters? We can do that for you!



Proactive Monitoring

Identify future bookings, determine when they were made and provide the information to you as soon as it is available.



Booking Activities

How many days was the property booked? And at what price? We can rewind the clock to see with our calendar features that displays booked times and rates



Rich Map Views

Where are all the short-term rental properties in your area? Want to see an aerial view, isometric view and satellite view get more context? We can show you on our interactive map.



Interoperable Reports

Rentalscape provides both printed and digital reports in traditional formats that are compatible for use in other applications to consume like (csv, xls, json) .

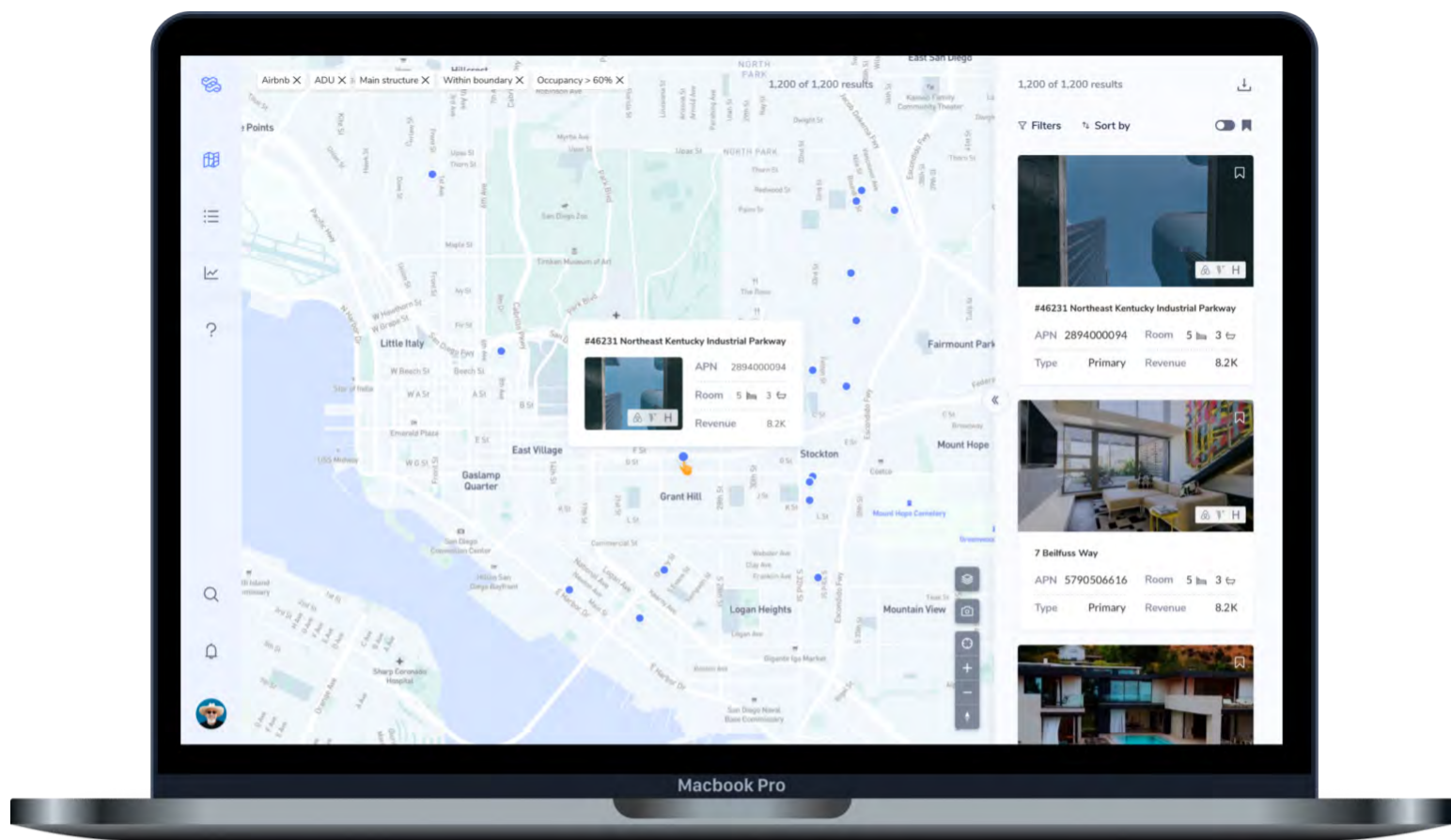


THE PROBLEM

Over the last decade, the short-term rental (STR) market has overwhelmed and outpaced local resources responsible for properly regulating its growth.

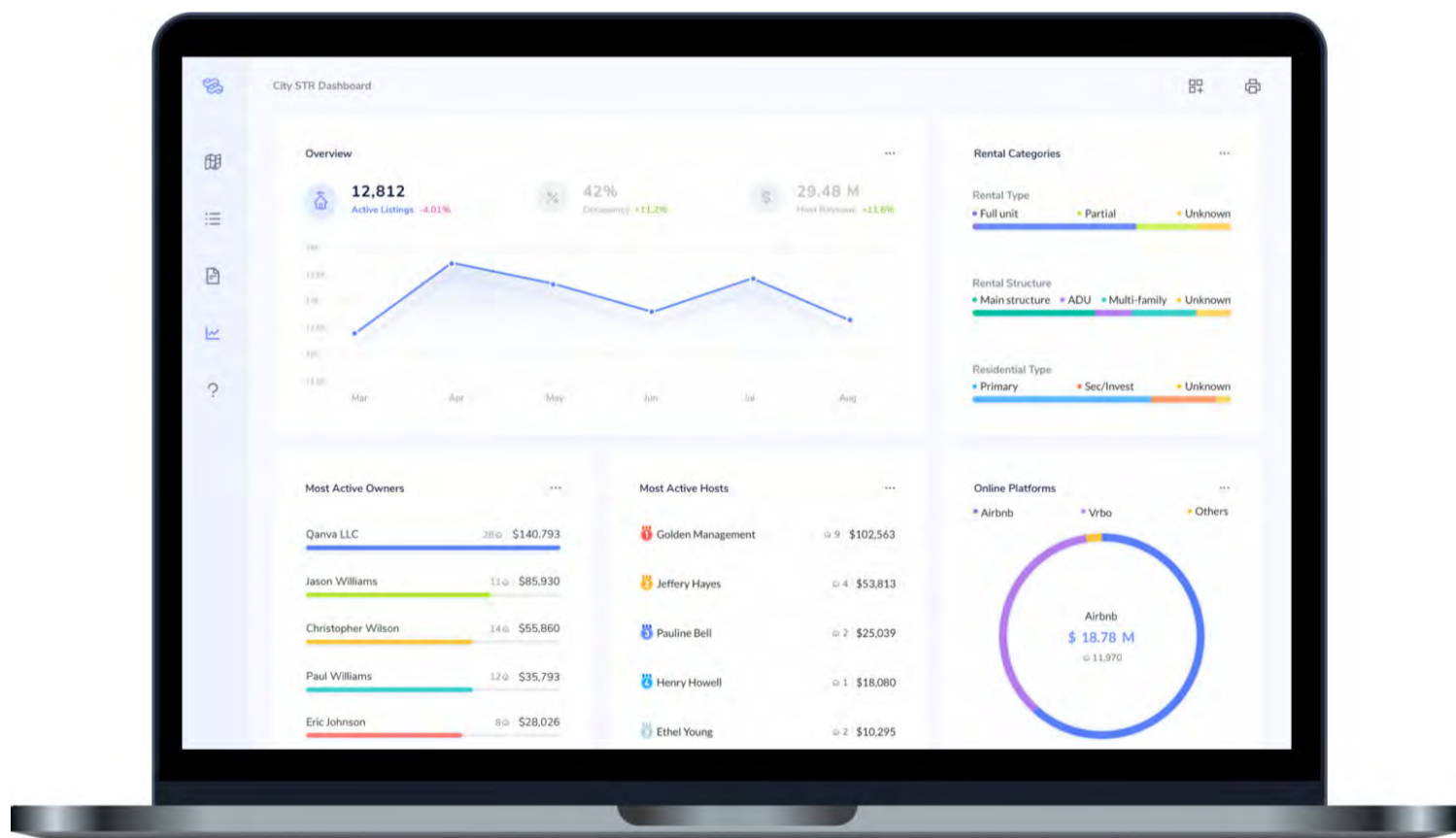
Changes in local real estate and local ordinances designed to ensure safety and compliance have not caught up with rapid market and technological changes, which continue to grow unchecked.

Unregistered properties, unwelcome changes in the neighborhood's character, declining home values, and continued squeezing of affordable housing are just few of the important side effects cities face with the rise of short-term rentals.



ACCURACY & PRECISION

While other STR products claim to give customers enhanced clarity of their local market, Rentalscape delivers actionable details of individual short-term rental properties including exact address, owner info, booking history and more.



THE DASHBOARD

MACRO

Get an overview of your city with aggregate metrics
 Visualize all the short-term rentals on a map

Get a full hit list of all the short-term rental properties

MICRO

View key details like owners, hosts and permits

See historical graphs of individual property's activities

Check out detailed images inside and out

EMPOWER YOUR NEIGHBORS

Our services extend beyond aiding municipalities – we empower their citizens too. Whether they are hosts renting their properties, or just concerned residents filing a nuisance report, we give residents the tools to get things done quickly and effortlessly. Access to modern tools and direct channels encourages citizens to stay engaged with their local government.

Increased communication between citizens and municipalities promotes compliance and facilitates enforcement of local property ordinances.

PORTABLE

Work from your home, office or manage your property in the field.

INTUITIVE

Modern mobile design with easy-to-use user interface and familiar interactions.

ACCESSIBLE

Drill into your property details, historical bookings, payments and property trends.

SECURE

User authentication and authorization covered on an encrypted channel.

I'm a new user...



Apply for a STR Permit

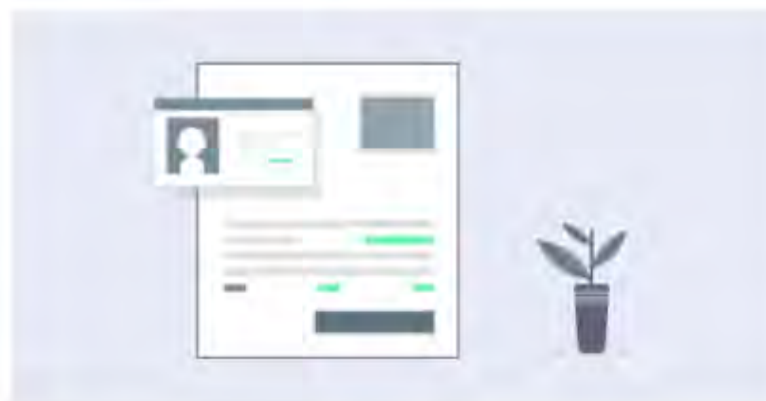


Apply for a TOT certificate

I'm a returning user...



Pay TOT



SOME FREQUENTLY ASKED QUESTIONS

What is Rentalscape? 

How Much Does the Solution Cost? 

How Do We Get Started? 

Who is Rentalscape's Audience? 

How Does Rentalscape Work? 

RESOURCES



Rentalscape Overview

Rentalscape provides municipalities the insight and intelligence to monitor and triage their local short-term rental (STR) market with a higher-level of accuracy, precision and usability. This allows the city to properly regulate rental hosts and ensure compliance in their area.



Problem-Solution Analysis

Short-term rentals (STRs) is a rapidly growing phenomenon all across the country. Nearly all local governments are working on instituting regulations and ordinances to sufficiently address the many issues related to online STR booking platforms like Airbnb.



Summary of Benefits

Rentalscape goes beyond meeting the features offered by the competition. Our focus on offering the best value and highest impact to our customers drive us to provide critical booking information as soon as possible, often before guests show up at the property



Feature List

While other STR products claim to give customers enhanced clarity of their local market, Rentalscape delivers actionable details of individual short-term rental properties including exact address, owner info and booking history to initiate actions.

RENTALSCAPE BY DECKARD TECHNOLOGIES

Deckard Technologies is a real estate data analytics and technology company focused on ensuring regulatory compliance, public safety and community equity.

- Data Analytics ▶
- Machine Learning ▶
- Software Engineering ▶
- Data Visualization ▶

Reach Out.



Name

Email

Phone

Company

Message



SEND MESSAGE



(619) 501-4208

Deckard Technologies Address

1620 Fifth Ave, Suite 400, San Diego, CA 92101

Email admin@deckard.com



Meeting Date: February 26, 2024

Agenda Item: 8-A

Report to Code Enforcement Board

Topic: Case #2023-671
Owner(s): Jamie & Maria Miller
Property Address: 4740 South Atlantic Avenue #5
Violation(s): Work requiring permits

Summary: On January 22, 2024, this case was presented to the Board. The owner(s) were found in non-compliance and granted until February 5, 2024 to obtain the required permits.

Staff will provide updated testimony and evidence regarding this case. The Board will be asked to make a decision based on that evidence and testimony.

Suggested motion: To be determined by the Board after testimony and evidence has been provided on the case.

Requested by:

Mr. Hooker, Code Compliance Manager

Approved by:

Mr. Disher, Town Manager



MEMORANDUM
TOWN OF PONCE INLET – PLANNING & DEVELOPMENT DEPARTMENT

THE TOWN OF PONCE INLET STAFF SHALL BE PROFESSIONAL, CARING, AND FAIR IN DELIVERING COMMUNITY EXCELLENCE WHILE ENSURING PONCE INLET CITIZENS OBTAIN THE GREATEST VALUE FOR THEIR TAX DOLLAR.

TO: Code Enforcement Board
THROUGH: Drew Smith, Town Attorney
FROM: David Hooker, Code Compliance Manager
DATE: February 14, 2024
DATE OF MEETING: February 26, 2024

Case Number: 2023-671
Address: 4740 South Atlantic Avenue # 5

Alleged Violation:
Work performed requiring permits.

Florida Building Code
Section 105.1 – Required

Brief History:

On September 27, 2023, Town staff reached out to the property owner of 4740 South Atlantic Avenue #5 to confirm whether a sliding door changeout had taken place, as the contractor had withdrawn their permit.

During the conversation with the property owner, Mr. Miller, it was revealed that the original contractor's delays prompted him to engage an alternative contractor for the door installation, without obtaining the required permits.

Mr. Miller guided our staff to the upstairs bedroom, where the newly installed door was documented. It was then communicated to Mr. Miller that he should obtain the necessary permits for the door installation, necessitating the involvement of a licensed contractor. Furthermore, he was informed about the requirement for an inspection to ensure proper installation.

At the Code Enforcement Board Hearing on January 22, 2024, the Board found the owners in violation of the cited sections of adopted code. The owners were granted 14 days (on or before February 5, 2024) to obtain the required permits.

On February 8, 2024, the property owner came into Town Hall and paid the \$250 administrative fee and provided a letter to staff advising that they will be out of Town for 2 weeks on vacation and as soon as they return, they would do their best to resolve this issue.

Recommendation:

The property to be found in non-compliance and assess the fine in accordance with Florida statutes Chapter 162.09.

BEFORE THE CODE ENFORCEMENT BOARD
OF THE TOWN OF PONCE INLET, FLORIDA

TOWN OF PONCE INLET, FLORIDA,
a municipal corporation,

Petitioner,

vs.

CASE NO.: 2023-671

JAMIE & MARIA MILLER,

Respondents.

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

This cause was heard on the 22ND day of January, 2024 by the Code Enforcement Board of the Town of Ponce Inlet after due notice to Respondents and a public hearing, and the Code Enforcement Board, having heard testimony and argument thereon, and being otherwise duly advised in the premises, makes the following FINDINGS OF FACT:

1. Respondents are the owners of property located at 4740 South Atlantic Avenue #5, Ponce Inlet, Florida, 32127 with Volusia County Parcel ID 6419-20-00-0050 (the "Subject Property").
2. On September 27, 2023, the Rental Housing Inspector issued a Notice of Violation to Respondents citing a violation of Sections 105.1 of the Florida Building Code as adopted by the Town of Ponce Inlet.

BASED ON THE FOREGOING IT IS ORDERED AND ADJUDGED that:

3. Respondents are in violation of Sections 105.1 of the Florida Building Code, as adopted by the Town of Ponce Inlet.
4. Respondents shall pay to the Town of Ponce Inlet the administrative costs incurred by the Town in prosecuting this case in the amount of \$250.00.
5. Respondents shall cure the violation within 14 days of the date of this order (on or before February 5, 2024), by obtaining the required building permit through the Town of Ponce Inlet. Failure to obtain will result in this case being brought back for further consideration at the February 26, 2024, hearing.
6. Any violation of the same code section by any Respondent within five years of the date of this Order may be prosecuted as a repeat violation pursuant to Chapter 162, Florida Statutes.

ORDERED at Ponce Inlet, Volusia County, Florida on this 22ND day of January, 2024.

Peter Finch

Peter Finch, Chairperson
Code Enforcement Board

ATTEST:

Debbie Stewart

Deputy Clerk

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served upon the Respondent by U.S. Mail, First Class, the 25TH day of January, 2024.

David Hooker
David Hooker, Code Compliance Manager



Meeting Date: February 26, 2024

Agenda Item: 8-B

Report to Code Enforcement Board

Topic: Case #: 2023-758
Owner(s): Albert & Cyndee Jarrell
Property Address: 125 Ponce DeLeon Circle
Violation(s): Work requiring permits

Summary: On January 22, 2024, this case was presented to the Board. The owners were found in non-compliance and granted until February 5, 2024 to obtain the required permits.

Staff will provide updated testimony and evidence regarding this case. The Board will be asked to make a decision based on that evidence and testimony.

Suggested Motion: To be determined by the Board after update has been provided.

Requested by:

Mr. Hooker, Code Compliance Manager

Approved by:

Mr. Disher, Town Manager



MEMORANDUM
TOWN OF PONCE INLET – PLANNING & DEVELOPMENT DEPARTMENT

THE TOWN OF PONCE INLET STAFF SHALL BE PROFESSIONAL, CARING, AND FAIR IN DELIVERING COMMUNITY EXCELLENCE WHILE ENSURING PONCE INLET CITIZENS OBTAIN THE GREATEST VALUE FOR THEIR TAX DOLLAR.

TO: Code Enforcement Board
THROUGH: Drew Smith, Town Attorney
FROM: David Hooker, Code Compliance Manager
DATE: February 14, 2024
DATE OF MEETING: February 26, 2024

Case Number: 2023-758
Address: 125 Ponce DeLeon Circle

Alleged Violation:
Work performed requiring permits

Florida Building Code
Section 116.1 – Conditions

International Property Maintenance Code
Section 101.1 – General
Section 108.1.5 (3) & (7) - Dangerous Structures or Premises
Section 301.3 – Vacant structures and land
Section 302.7 – Accessory Structures

Brief History:

On March 31, 2022, a contractor submitted a permit application (285-2022) for the reconstruction of a seawall at the specified location. Upon commencement of the work, inspections revealed deviations from the approved plans, leading to the issuance of a STOP WORK ORDER.

Over the following weeks, the contractor collaborated with the staff to address the STOP WORK ORDER issue. On February 15, 2023, recognizing the impending expiration of the permit, the contractor formally requested an extension to prevent permit expiration.

During this period, the property owner decided to sell the property to Mr. & Mrs. Jarrell, the current owners, in April 2023. Seeking resolution, the Jarrell's consulted with the Town Building Official, who provided guidance on addressing the permitting challenges.

Unfortunately, the permit expired during the resolution process, and consequently, no further work transpired. Thus, a notice of violation/hearing was issued, citing the structure as unsafe.

Since receiving the original certified letter, the Jarrell's have engaged in communication with the Building Department once again to actively resolve the outstanding issues.

At the Code Enforcement Hearing on January 22, 2024, the owner was found to be in violation of the cited sections of the Codes. The owners were granted 14 days (on or before February 5, 2024) to secure the required permits.

On February 9, 2024, Mr. Jarrell paid the \$250 administration fee and informed staff that he was working on securing permit and that should be completed by the end of the following week (February 16, 2024).

As of the date of this memorandum, there is no active permit for the seawall, and the structure remains in an unsafe condition, however efforts are ongoing to rectify the situation and secure the necessary approvals.

Recommendation:

The property to be found in non-compliance and assess fine in accordance with Florida statutes Chapter 162.09.

BEFORE THE CODE ENFORCEMENT BOARD
OF THE TOWN OF PONCE INLET, FLORIDA

TOWN OF PONCE INLET, FLORIDA,
a municipal corporation,

Petitioner,

vs.

CASE NO.: 2023-758

ALBERT & CYNDEE JARRELL,

Respondents.

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

This cause was heard on the 22ND day of January, 2024 by the Code Enforcement Board of the Town of Ponce Inlet after due notice to Respondents and a public hearing, and the Code Enforcement Board, having heard testimony and argument thereon, and being otherwise duly advised in the premises, makes the following FINDINGS OF FACT:

1. Respondents are the owners of property located at 125 Ponce DeLeon Circle, Ponce Inlet, Florida, 32127 with Volusia County Parcel ID 6430-01-00-0030 (the "Subject Property").
2. On November 14, 2023, the Code Compliance Manager issued a Notice of Violation to Respondents citing a violation of Sections 116.1 of the Florida Building Code and sections 108.1, 108.1.5, 301.3, 302.7 of the International Property Maintenance Code, as adopted by the Town of Ponce Inlet.

BASED ON THE FOREGOING IT IS ORDERED AND ADJUDGED that:

3. Respondents are in violation of Sections 105.1 of the Florida Building Code, and sections 108.1, 108.1.5, 301.3, 302.7 of the International Property Maintenance code as adopted by the Town of Ponce Inlet.
4. Respondents shall cure the violation within 14 days of the date of this order (on or before February 5, 2024), by obtaining the required building permit through the Town of Ponce Inlet. Failure to obtain will result in this case being brought back for further consideration at the February 26, 2024, hearing.
5. Respondents shall pay to the Town of Ponce Inlet the administrative costs incurred by the Town in prosecuting this case in the amount of \$250.00.

5. Any violation of the same code section by any Respondent within five years of the date of this Order may be prosecuted as a repeat violation pursuant to Chapter 162, Florida Statutes.

ORDERED at Ponce Inlet, Volusia County, Florida on this 22ND day of January, 2024.

Peter Finch

Peter Finch, Chairperson
Code Enforcement Board

ATTEST:

Debbie Stewart

Deputy Clerk

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served upon the Respondent by U.S. Mail, First Class, the 25TH day of January, 2024.

David Hooker

David Hooker, Code Compliance Manager



Meeting Date: February 26, 2024

Agenda Item: 9-A

Report to Code Enforcement Board

Topic: Case #2024-144
Owner(s): Loy Van Crowder & Patricia Parera
Property Address: 4624 Harbour Village Blvd. #4504
Alleged Violation(s): Expired rental permit

Summary: Staff will provide testimony and evidence regarding the following case. The Board will be asked to make a decision based on that evidence and testimony.

Suggested motion: N/A

Requested by:

Mr. Hooker, Code Compliance Manager

Approved by:

Mr. Disher, Town Manager



Meeting Date: February 26, 2024

Agenda Item: 9-A

Report to Code Enforcement Board

Topic: Case #2024-144
Owner(s): Loy Van Crowder & Patricia Parera
Property Address: 4624 Harbour Village Blvd. #4504
Alleged Violation(s): Expired rental permit

Summary: Staff will provide testimony and evidence regarding the following case. The Board will be asked to make a decision based on that evidence and testimony.

Suggested motion: To be determined by the Board after testimony and evidence has been provided on the case.

Requested by:

Mr. Hooker, Code Compliance Manager

Approved by:

Mr. Disher, Town Manager



MEMORANDUM

TOWN OF PONCE INLET – PLANNING & DEVELOPMENT DEPARTMENT

THE TOWN OF PONCE INLET STAFF SHALL BE PROFESSIONAL, CARING, AND FAIR IN DELIVERING COMMUNITY EXCELLENCE WHILE ENSURING PONCE INLET CITIZENS OBTAIN THE GREATEST VALUE FOR THEIR TAX DOLLAR.

TO: Code Enforcement Board
THROUGH: Drew Smith, Town Attorney
FROM: Travis Mincey, Rental Housing Inspector
DATE: February 14, 2024
DATE OF MEETING: February 26, 2024

Case Number: 2024-144
Address: 4624 Harbour Village Blvd #4504
Owner: Patricia Parera & Loy Van Crowder Jr.

Alleged Violation:
Expired Rental Permit

Land Development Code

Section 2.40.1 – Interpretation of uses and structures permitted

Section 3.18.1 – Applicability

Section 3.18.2 – Applicability

Section 3.18.3 – Rental Permit Application Process

Section 3.18.4 – General Regulations

Section 3.18.5 – fees and application schedule

Section 3.18.6 – Enforcement and penalties

Section 3.18.7 – Annual Reporting Requirements

Section 10-1-10 – Rental Permit Applications

Brief History:

On August 11, 2023, Town staff sent out rental permit renewal letters including a renewal document and invoice to all rental permit holders advising that rental permits were due to expire on September 30, 2023.

On September 15, 2023, a reminder email was sent to all rental permit holders reiterating all rental permits were soon to expire on September 30, 2023.

On September 25, 2024, a final reminder was sent via email referencing the deadline and that a late fee would be imposed starting October 1, 2023.

On October 19, 2023, staff sent Ms. Parera an email including invoice details requesting the expired permit be renewed. A return email was received the same day acknowledging the email and asking to waive the imposed \$100 late fee.

On October 23, 2023, staff sent an email to Ms. Parera including links to the Florida Dept of Revenue and Myfloridalicense.com to assist with obtaining a tax and lodging ID as required by the town.

On December 7, 2023, staff sent a second follow up email including links to the Florida Dept of Revenue and Myfloridalicense.com websites to assist Ms. Papera with permitting her property.

On January 26, 2024, staff issued a formal notice of violation/hearing with a compliance date of February 16, 2024, for failure to obtain the rental permit or advise staff that they were no longer renting as outlined in the violation / hearing letter.

As of the date of this memorandum, a completed application has not been received.

Recommendation:

The property to be found in non-compliance and assess fine in accordance with Florida statutes Chapter 162.09.



Town of Ponce Inlet
 4300 S. Atlantic Avenue
 Ponce Inlet, FL 32127

(386) 267-6676

Case Number: **CODE2024-000144**

Case Type: **Code Enforcement**

Date Case Established: **01/26/2024**

Compliance Deadline: **02/16/2024**

Violation Notice

Owner: Patricia Parera & Loy Van Crowder Jr

Mailing Address

1250 Treetop Ridge Rd
 Blacksburg, VA 24060

Notice of Violation for the following location:

Address

4624 HARBOUR VILLAGE BLVD #4504
 PONCE INLET, FL 32127

Parcel

641935004504

This violation letter is to inform you that staff has observed a violation at that the property, which according to the Volusia County Property Appraisers Office, is owned by you located in Ponce Inlet, Florida

The violation and how to correct:

The violation is for expiration of your issued rental permit.

How to correct:

You may correct the violation by renewing the town issued rental permit using the provided renewal document. If the property is no longer being rented, please provide us with a request to remove the permit in writing.

You are hereby cited with the following adopted sections of Town Code.

Land Development Code

Section 2.40-1 – Interpretation of Uses and structures permitted

A use or structure that is not expressly permitted in a zoning district is prohibited.

Residential			Commercial		
Use	R-1	R-2	R-3	MF-1	MF-2
Dwelling rentals - short-term occupancy allowed only for properties formerly zoned T-1 (Tourist Commercial) prior to January 7, 2004 as a legal non-conforming use					P



Town of Ponce Inlet

4300 S. Atlantic Avenue
Ponce Inlet, FL 32127

(386) 267-6676

Case Number: **CODE2024-000144**

Case Type: **Code Enforcement**

Date Case Established: **01/26/2024**

Compliance Deadline: **02/16/2024**

Violation Notice

E. Violation of these provisions may result in revocation of the rental permit for cause, upon notice and opportunity to be heard by the town council and subject to prosecution before the code enforcement board, and any other penalties, as provided for in section 3.18.6 below.

F. The rental permit application shall be filed with the town prior to rental of the subject property.

Land Development Code

Section 3.18.5 - Fees and application schedule.

A. A person or entity who is applying for or holds a rental permit shall pay an annual rental permit fee in an amount as established from time to time by resolution of the town council upon the filing of the rental permit application.

B. Fee revenues raised under this section shall fund a position in the code enforcement department of the town and provide enforcement and processing personnel as needed and investigative services. The officer holding this position shall enforce this section.

C. All holders of a rental permit who continue to rent the subject dwelling shall submit a renewal application containing all the information required for the original rental permit application and pay the required rental permit fee by no later than October 1 of each year, or shall be subject to a late fee to be established by the resolution of the town council.

Land Development Code

Section 3.18.6 - Enforcement and penalties.

A. A violation of this section is punishable by a fine per day, per unit and per violation in accordance with Florida law commensurate with F.S. ch. 162.

B. The town council may revoke any rental permit for cause, upon notice and opportunity to be heard by the town council.

Land Development Code

Section 3.18.7 - Annual reporting requirements.

A. Annual summary report.

1. An annual summary report must be filed by:

2. All licensed real estate agents, brokers, agents or other parties who represent an owner of a property rented at any time during a calendar year; and

3. All owners of dwellings rented at any time during a calendar year.

4. The summary report is due by February 1 of each year.

5. The report shall reflect the rental activities of all subject dwellings within the town for the previous calendar year. This report shall include, at a minimum, the address of subject property and length of rental period per tenant.

6. The town shall maintain a third-party rental summary report form and make it available to the public upon request.



Town of Ponce Inlet
4300 S. Atlantic Avenue
Ponce Inlet, FL 32127

(386) 267-6676

Case Number: **CODE2024-000144**

Case Type: **Code Enforcement**

Date Case Established: **01/26/2024**

Compliance Deadline: **02/16/2024**

Violation Notice

If you are unable to meet the required compliance date, this case will be referred to the Town's Code Enforcement Board for a hearing scheduled for February 26, 2024, at 9:30 A.M., located at 4300 South Atlantic Avenue, Ponce Inlet, Florida 32127.

If you are found to be in violation of the cited sections of Town Code, a daily fine of up to \$250 per day may be imposed. Furthermore, an administrative fee of \$250 shall also be imposed.

Both these charges will be recorded into the public records of Volusia County and will constitute a lien of your property, as well as any other property that you own in the state of Florida in accordance with Florida Statutes 162.09(3).

If you have any questions related to this matter, please feel free to contact my office.

Kind Regards,

Travis Mincey
Rental Housing Inspector

Certified Mail:

9589 0710 5270 0449 0254 94 Blacksburg, VA 24060

9589 0710 5270 0449 0255 17 Bethesda, MD 20817

9589 0710 5270 0449 0255 00 Ponce Inlet, FL 32127



Meeting Date: February 26, 2024

Agenda Item: 9-B

Report to Code Enforcement Board

Topic: Case #2024-145
Owner(s): Valerie Yellam & Savanna Schlager
Property Address: 4749 South Peninsula Drive
Alleged Violation(s): Expired rental permit

Summary: Staff will provide testimony and evidence regarding the following case. The Board will be asked to make a decision based on that evidence and testimony.

Suggested motion: To be determined by the Board after testimony and evidence has been provided on the case.

Requested by:

Mr. Hooker, Code Compliance Manager

Approved by:

Mr. Disher, Town Manager



MEMORANDUM
TOWN OF PONCE INLET – PLANNING & DEVELOPMENT DEPARTMENT

THE TOWN OF PONCE INLET STAFF SHALL BE PROFESSIONAL, CARING, AND FAIR IN DELIVERING COMMUNITY EXCELLENCE WHILE ENSURING PONCE INLET CITIZENS OBTAIN THE GREATEST VALUE FOR THEIR TAX DOLLAR.

TO: Code Enforcement Board
THROUGH: Drew Smith, Town Attorney
FROM: Travis Mincey, Rental Housing Inspector
DATE: February 14, 2024
DATE OF MEETING: February 26, 2024

Case Number: 2024-145
Address: 4749 South Peninsula Dr
Owner: Vallerie Yellam & Savanna Schlager

Alleged Violation:
Expired Rental Permit

Land Development Code
Section 2.40.1 – Interpretation of uses and structures permitted
Section 3.18.1 – Applicability
Section 3.18.2 – Applicability
Section 3.18.3 – Rental Permit Application Process
Section 3.18.4 – General Regulations
Section 3.18.5 – fees and application schedule
Section 3.18.6 – Enforcement and penalties
Section 3.18.7 – Annual Reporting Requirements
Section 10-1-10 – Rental Permit Applications

Brief History:

On August 11, 2023, staff sent out rental permit renewal letters including a renewal document and invoice to all rental permit holders advising that rental permits were due to expire on September 30, 2023.

On September 15, 2023, a reminder email was sent to all rental permit holders reiterating all rental permits were soon to expire on September 30, 2023.

On September 25, 2024, a final reminder was sent via email referencing the deadline and that a late fee would be imposed starting October 1, 2023.

On January 26, 2024, staff issued a formal notice of violation/hearing with a compliance date of February 16, 2024, for failure to obtain the rental permit or advise staff that they were no longer renting as outlined in the violation / hearing letter.

As of the date of this memorandum, no permit application has been received.

Recommendation:

The property to be found in non-compliance and assess fine in accordance with Florida statutes Chapter 162.09.



Town of Ponce Inlet
 4300 S. Atlantic Avenue
 Ponce Inlet, FL 32127

(386) 267-6676

Case Number: **CODE2024-000145**

Case Type: **Code Enforcement**

Date Case Established: **01/26/2024**

Compliance Deadline: **02/16/2024**

Violation Notice

Owner: Vallerie Yellam & Savanna Schlager

Mailing Address

1005 Vega Dr
 Colorado Springs, CO 80905

Notice of Violation for the following location:

Address

4749 S PENINSULA DR
 PONCE INLET, FL 32127

Parcel

641903000940

This violation letter is to inform you that staff has observed a violation at that the property, which according to the Volusia County Property Appraisers Office, is owned by you located in Ponce Inlet, Florida

The violation and how to correct:

The violation is for expiration of your issued rental permit.

How to correct:

You may correct the violation by renewing the town issued rental permit using the provided renewal document. If the property is no longer being rented, please provide us with a request to remove the permit in writing.

You are hereby cited with the following adopted sections of Town Code.

Land Development Code

Section 2.40-1 – Interpretation of Uses and structures permitted

A use or structure that is not expressly permitted in a zoning district is prohibited.

Residential		Commercial				
		R-1	R-2	R-3	MF-1	MF-2
Use						
Dwelling rentals - short-term occupancy allowed only for properties formerly zoned T-1 (Tourist Commercial) prior to January 7, 2004 as a legal non-conforming use						P



Town of Ponce Inlet

4300 S. Atlantic Avenue
Ponce Inlet, FL 32127

(386) 267-6676

Case Number: **CODE2024-000145**

Case Type: **Code Enforcement**

Date Case Established: **01/26/2024**

Compliance Deadline: **02/16/2024**

Violation Notice

E. Violation of these provisions may result in revocation of the rental permit for cause, upon notice and opportunity to be heard by the town council and subject to prosecution before the code enforcement board, and any other penalties, as provided for in section 3.18.6 below.

F. The rental permit application shall be filed with the town prior to rental of the subject property.

Land Development Code

Section 3.18.5 - Fees and application schedule.

A. A person or entity who is applying for or holds a rental permit shall pay an annual rental permit fee in an amount as established from time to time by resolution of the town council upon the filing of the rental permit application.

B. Fee revenues raised under this section shall fund a position in the code enforcement department of the town and provide enforcement and processing personnel as needed and investigative services. The officer holding this position shall enforce this section.

C. All holders of a rental permit who continue to rent the subject dwelling shall submit a renewal application containing all the information required for the original rental permit application and pay the required rental permit fee by no later than October 1 of each year, or shall be subject to a late fee to be established by the resolution of the town council.

Land Development Code

Section 3.18.6 - Enforcement and penalties.

A. A violation of this section is punishable by a fine per day, per unit and per violation in accordance with Florida law commensurate with F.S. ch. 162.

B. The town council may revoke any rental permit for cause, upon notice and opportunity to be heard by the town council.

Land Development Code

Section 3.18.7 - Annual reporting requirements.

A. Annual summary report.

1. An annual summary report must be filed by:

2. All licensed real estate agents, brokers, agents or other parties who represent an owner of a property rented at any time during a calendar year; and

3. All owners of dwellings rented at any time during a calendar year.

4. The summary report is due by February 1 of each year.

5. The report shall reflect the rental activities of all subject dwellings within the town for the previous calendar year. This report shall include, at a minimum, the address of subject property and length of rental period per tenant.

6. The town shall maintain a third-party rental summary report form and make it available to the public upon request.



Town of Ponce Inlet

4300 S. Atlantic Avenue
Ponce Inlet, FL 32127

(386) 267-6676

Case Number: **CODE2024-000145**

Case Type: **Code Enforcement**

Date Case Established: **01/26/2024**

Compliance Deadline: **02/16/2024**

Violation Notice

If you are unable to meet the required compliance date, this case will be referred to the Town's Code Enforcement Board for a hearing scheduled for February 26, 2024, at 9:30 A.M., located at 4300 South Atlantic Avenue, Ponce Inlet, Florida 32127.

If you are found to be in violation of the cited sections of Town Code, a daily fine of up to \$250 per day may be imposed. Furthermore, an administrative fee of \$250 shall also be imposed.

Both these charges will be recorded into the public records of Volusia County and will constitute a lien of your property, as well as any other property that you own in the state of Florida in accordance with Florida Statutes 162.09(3).

If you have any questions related to this matter, please feel free to contact my office.

Kind Regards,

Travis Mincey
Rental Housing Inspector

Certified Mail:

9589 0710 5270 0449 0254 87 Colorado Springs, CO 80905

9589 0710 5270 0449 0255 24 Ponce Inlet, FL 32127



Meeting Date: February 26, 2024

Agenda Item: 9-C

Report to Code Enforcement Board

Topic: Case #2024-148
Owner(s): Atlantica Unit 7030 LLC
c/o Alan Wiginton & Mitchell, owners
Property Address: 4601 South Atlantic Avenue #7030
Alleged Violation(s): Expired rental permit

Summary: Staff will provide testimony and evidence regarding the following case. The Board will be asked to make a decision based on that evidence and testimony.

Suggested motion: To be determined by the Board after testimony and evidence has been provided on the case.

Requested by:

Mr. Hooker, Code Compliance Manager

Approved by:

Mr. Disher, Town Manager



MEMORANDUM
TOWN OF PONCE INLET – PLANNING & DEVELOPMENT DEPARTMENT

THE TOWN OF PONCE INLET STAFF SHALL BE PROFESSIONAL, CARING, AND FAIR IN DELIVERING COMMUNITY EXCELLENCE WHILE ENSURING PONCE INLET CITIZENS OBTAIN THE GREATEST VALUE FOR THEIR TAX DOLLAR.

TO: Code Enforcement Board
THROUGH: Drew Smith, Town Attorney
FROM: Travis Mincey, Rental Housing Inspector
DATE: February 14, 2024
DATE OF MEETING: February 26, 2024

Case Number: 2024- 148
Address: 4601 South Atlantic Ave #7030
Owner: Atlantica Unit 7030 LLC
c/o Alan Wiginton, owner

Alleged Violation:
Expired Rental Permit

Land Development Code
Section 2.40.1 – Interpretation of uses and structures permitted
Section 3.18.1 – Applicability
Section 3.18.2 – Applicability
Section 3.18.3 – Rental Permit Application Process
Section 3.18.4 – General Regulations
Section 3.18.5 – fees and application schedule
Section 3.18.6 – Enforcement and penalties
Section 3.18.7 – Annual Reporting Requirements
Section 10-1-10 – Rental Permit Applications

Brief History:

On August 11, 2023, Town staff sent out rental permit renewal letters including a renewal document and invoice to all rental permit holders advising that rental permits were due to expire on September 30, 2023.

On September 15, 2023, a reminder email was sent to all rental permit holders reiterating all rental permits were soon to expire on September 30, 2023.

On September 25, 2024, a final reminder was sent via email referencing the deadline and that a late fee would be imposed starting October 1, 2023.

On January 10, 2024, an email was sent to Mr. Wiginton regarding the expired permit. After which Mr. Wiginton replied acknowledging the expired permit, stating he would, "come by to pay the fee".

On January 26, 2024, staff issued a formal notice of violation/hearing with a compliance date of February 16, 2024, for failure to obtain the rental permit or advise staff that they were no longer renting as outlined in the violation / hearing letter.

As of the date of this memorandum, no permit application has been received.

Recommendation:

The property to be found in non-compliance and assess fine in accordance with Florida statutes Chapter 162.09.



Town of Ponce Inlet
 4300 S. Atlantic Avenue
 Ponce Inlet, FL 32127

(386) 267-6676

Case Number: **CODE2024-000148**

Case Type: **Code Enforcement**

Date Case Established: **01/26/2024**

Compliance Deadline: **02/16/2024**

Violation Notice

Owner: Atlantica Unit 7030 LLC C/O Alan Wiginton

Mailing Address

208 Green Lake Cir
 Longwood, FL 32779

Notice of Violation for the following location:

Address

4601 S ATLANTIC AVE #7030
 PONCE INLET, FL 32127

Parcel

641921007030

This violation letter is to inform you that staff has observed a violation at that the property, which according to the Volusia County Property Appraisers Office, is owned by you located in Ponce Inlet, Florida

The violation and how to correct:

The violation is for expiration of your issued rental permit.

How to correct:

You may correct the violation by renewing the town issued rental permit using the provided renewal document. If the property is no longer being rented, please provide us with a request to remove the permit in writing.

You are hereby cited with the following adopted sections of Town Code.

Land Development Code

Section 2.40-1 – Interpretation of Uses and structures permitted

A use or structure that is not expressly permitted in a zoning district is prohibited.

Residential			Commercial		
Use	R-1	R-2	R-3	MF-1	MF-2
Dwelling rentals - short-term occupancy allowed only for properties formerly zoned T-1 (Tourist Commercial) prior to January 7, 2004 as a legal non-conforming use					P



Town of Ponce Inlet

4300 S. Atlantic Avenue
Ponce Inlet, FL 32127

(386) 267-6676

Case Number: **CODE2024-000148**

Case Type: **Code Enforcement**

Date Case Established: **01/26/2024**

Compliance Deadline: **02/16/2024**

Violation Notice

D. There shall be a written lease between the owner and tenant and that includes an explicit statement that the tenant agrees to follow these regulations.

E. Violation of these provisions may result in revocation of the rental permit for cause, upon notice and opportunity to be heard by the town council and subject to prosecution before the code enforcement board, and any other penalties, as provided for in section 3.18.6 below.

F. The rental permit application shall be filed with the town prior to rental of the subject property.

Land Development Code

Section 3.18.5 - Fees and application schedule.

A. A person or entity who is applying for or holds a rental permit shall pay an annual rental permit fee in an amount as established from time to time by resolution of the town council upon the filing of the rental permit application.

B. Fee revenues raised under this section shall fund a position in the code enforcement department of the town and provide enforcement and processing personnel as needed and investigative services. The officer holding this position shall enforce this section.

C. All holders of a rental permit who continue to rent the subject dwelling shall submit a renewal application containing all the information required for the original rental permit application and pay the required rental permit fee by no later than October 1 of each year, or shall be subject to a late fee to be established by the resolution of the town council.

Land Development Code

Section 3.18.6 - Enforcement and penalties.

A. A violation of this section is punishable by a fine per day, per unit and per violation in accordance with Florida law commensurate with F.S. ch. 162.

B. The town council may revoke any rental permit for cause, upon notice and opportunity to be heard by the town council.

Land Development Code

Section 3.18.7 - Annual reporting requirements.

A. Annual summary report.

1. An annual summary report must be filed by:

2. All licensed real estate agents, brokers, agents or other parties who represent an owner of a property rented at any time during a calendar year; and

3. All owners of dwellings rented at any time during a calendar year.

4. The summary report is due by February 1 of each year.

5. The report shall reflect the rental activities of all subject dwellings within the town for the previous calendar year. This report shall include, at a minimum, the address of subject property and length of rental period per tenant.

6. The town shall maintain a third-party rental summary report form and make it available to the public



Town of Ponce Inlet
4300 S. Atlantic Avenue
Ponce Inlet, FL 32127

(386) 267-6676

Case Number: **CODE2024-000148**

Case Type: **Code Enforcement**

Date Case Established: **01/26/2024**

Compliance Deadline: **02/16/2024**

Violation Notice

Compliance Date: 02/16/2024

If you are unable to meet the required compliance date, this case will be referred to the Town's Code Enforcement Board for a hearing scheduled for February 26, 2024, at 9:30 A.M., located at 4300 South Atlantic Avenue, Ponce Inlet, Florida 32127.

If you are found to be in violation of the cited sections of Town Code, a daily fine of up to \$250 per day may be imposed. Furthermore, an administrative fee of \$250 shall also be imposed.

Both these charges will be recorded into the public records of Volusia County and will constitute a lien of your property, as well as any other property that you own in the state of Florida in accordance with Florida Statutes 162.09(3).

If you have any questions related to this matter, please feel free to contact my office.

Kind Regards,

Travis Mincey
Rental Housing Inspector

Certified Mail:

9589 0710 5270 0449 0253 71 Longwood, FL 32779

9589 0710 5270 0449 0253 64 Ponce Inlet, FL 32127