

AGENDA
SHORT TERM RENTAL (STR)
TUESDAY, OCTOBER 22, 2019
4:00 PM

- 1. CALL TO ORDER**
- 2. APPROVAL OF MINUTES**
- 3. NEW BUSINESS**
 - A. Short-Term Rental (STR) Task Force Packet**
 - 1) STR Registration Guide**
 - 2) STR Ordinance**
 - 3) STR Application**
 - 4) STR Affidavit**
 - 5) STR Process Mapping**
 - B. Code Compliance STR Review - Power Point Presentation**
 - C. City Council Strategic Visioning Session - Proposed Topics**
- 4. PUBLIC COMMENTS**
- 5. NEXT MEETING DATE:**
- 6. ADJOURNMENT**

Persons with disabilities who require assistance to participate in City meetings are requested to notify the City Clerk's Office at (850) 837-4242 in advance. Hearing Impaired: TTY: 711. Assistance also available through Human Resources, Title VI Coordinator, at (850) 837-4242.

Short-Term Rental Registration Guide

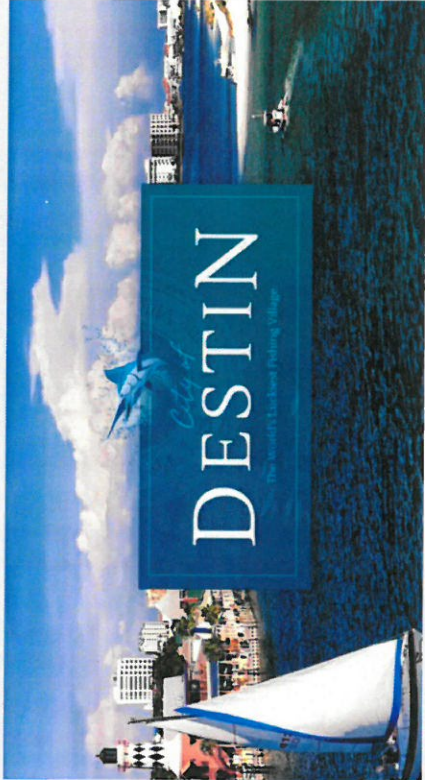


Step 1: Check for Eligibility

Per Article 7 of the City of Destin Land Development Code, short-term rentals are only allowed in the following zones:

- Bay Resort Mixed Use (BRMU)
- Crystal Beach Resort (CBR)
- Calhoun Mixed Use (CMU)
- Gulf Resort Mixed Use (GRMU)
- Holiday Isle Mixed Use (HIMU)
- North Harbor Mixed Use (NHMU)
- Residential, Office, Institutional Tourist Development (ROI-TD)
- South Harbor Mixed Use (SHMU)
- Crystal Beach Neighborhood (CBN)
- Low Density Residential— Holiday Isle (LDR-HI)
- Medium Density Residential— Holiday Isle (MDR-HI)
- High Density Residential— Holiday Isle (HDR-HI)

View the [Zoning Map](#) to determine your location.



NOTE

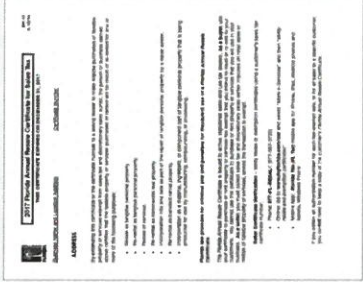
Condos and apartments do not have to be registered as short-term rentals with the City of Destin.

A short-term rental is defined as any occupancy of a single-family dwelling unit for a period of time between one (1) day to no more than six (6) months.

- | | |
|-----------|---------|
| House | Duplex |
| Townhouse | Triplex |

Step 2: Before registering, obtain the current, valid and necessary documents

Examples



- A **City of Destin Business Tax Receipt and Application** (Chapter 13 of the Code of Ordinances)
Please call (850) 837-4242 or visit the Building Division for further information.
The city’s Business Tax Receipt application can be found on our website at www.cityofdestin.com/rentals.
- A **Florida Rental Dwelling License** (Chapter 509, Florida Statutes)
This process can be started by visiting www.myfloridalicense.com or calling 1-850-487-1395.
Find the application under
“Apply For/Update Licenses > Hotels and Restaurants >Vacation Rental Dwelling.”
- A **Florida Department of Revenue Resale Certificate** (Chapter 212, Florida Statutes)
This process can be started by calling 850-488-6800 or visiting www.dor.myflorida.com,
under the taxes tab, begin with “Register to Collect & Report Taxes.”
- A **City of Destin Short Term Rental Affidavit of Bedrooms/Parking Spaces**
A notarized affidavit stating the number of bedrooms, parking spaces, and
occupancy limit. Affidavit can be found [here](#).
- A **City of Destin Application for Grandfathered Status of Short Term Rental**
Occupancy. IF Applicable [Application](#)

Note:
Maintaining a short-term rental is considered a business and registration is mandated by state and local ordinance.

Step 3: Max occupancy

As of January 22, 2019, The City of Destin adopted occupancy limits for short term rentals.

Sec. 13-117. —Maximum occupancy based on site capacity/Grandfathering.

(a) The maximum overnight occupancy of a short term rental shall be stated in the short term rental registration form and shall be limited to the lesser occupancy of the following two options:

- i. Two (2) persons for each bedroom, plus four (4) additional persons. The number of bedrooms shall be based upon the Property Appraiser’s profile of the property, and other documents of record as needed. In no case shall the maximum total occupancy for any dwelling unit exceed the occupancy limits permitted by the Florida Fire Prevention Code or Florida Building Code.

or

- ii. A total of twenty-four (24) persons per short term rental. In the event that there is more than one building or dwelling on one plated lot, the maximum occupancy shall be capped at twenty-four (24) occupants per lot or structure, whichever is less.

Example:

A dwelling with 5 bedrooms can have a max occupancy of 14.

Note:

Before the hours of 7 AM or after 10 PM, the occupancy load of the unit may not exceed the maximum allowed number of overnight tenants. Sec. 13.117

Step 4 : Registering Your Short Term Rental

- There are two ways to register your short term rental(s):
- Visit the [City of Destin website](#) and use the online portal (Citizenserve).
- Mail or walk-in with a [paper application](#).

The Citizenserve online portal offers a step-by-step guide on when you need to register, submittal requirements, apply online, pay registration fees, and view the status of your application all from your home, office or mobile device.



Fees

Short-Term Rental Registration - \$200.00 (Expires January 1 of next year.)

Late fees assessed after March 31.

Late Application - April 1 to June 1-Additional \$100.00

After June 1- \$500.00

Paper Application - Additional \$25.00

Incomplete Application and re-application - \$25.00

Note:

A late application fee of \$100.00 will be assessed after March 31 (\$500.00 after June 1) if the short-term rental was registered the previous year by the same owner and/or responsible party.

Proper signage must be displayed on the property per city ordinance within seven (7) days following the completion of the registration process.

- The sign must be prominently placed on the property of the single-family dwelling unit so that the required content of the sign shall be legible as viewed from the public right-of-way; however, signage shall not be placed in the public right-of-way;
- Such sign shall be eighteen by eighteen (18X18) inches in size;
- The sign must clearly indicate the name, and twenty-four (24) hours a day, seven (7) days a week emergency contact phone number of the local responsible party for said single-family dwelling unit. If the responsible party phone number and the rental contact phone number are different, the sign shall clearly indicate both phone numbers;
- The sign must clearly indicate the occupancy limit and maximum available parking.
- The sign must be continuously on the property of the single-family dwelling unit during any period a local business tax or registration has not expired.

Step 5: Completed Registration

Once the registration application has been submitted and approved, the applicant will need to come to the City of Destin Annex (4100 Indian Bayou Trail) to receive a City-issued annual decal which must be displayed on the top right corner of the signage. After inspection of the signage with decal, the registration will be issued.

Note:

Registrations are non-transferable.

If a property is registered and there is new ownership or responsible party within the registered year, the property must be registered again with the City of Destin . *City Code Sec 13-112*

Stay in Compliance

Sec. 13-109. - General regulations/standards.

(1) All vehicles shall only be parked in the improved access way/vehicle use area as defined per Land Development Code, Section 3.00.01 and/or within the garage area of the single-family dwelling unit. Garage area parking shall only be counted as provided parking if the area is open and free from obstructions. Vehicles shall not be within the right-of-way, including the grassy/unimproved areas and sidewalk sections for pedestrian traffic pursuant to City of Destin Code of Ordinances, Chapter 19.5, Traffic and Motor Vehicles and Land Development Code, Section 8.01.00.6. Vehicles found in violation of the City of Destin's applicable codes may be subject to citation or impoundment;

(2) It shall be unlawful to allow or make any noise or sound which exceed the limits set forth in Chapter 14, Article 2;

(3) Signage will be posted and maintained on the single-family dwelling unit in accordance with section 13-116, of this article;

(4) No garbage container shall be located at the curb for pickup before 12:00 p.m. of the day prior to pick up, and garbage container shall be removed before midnight of the day of pickup. Additionally, by 5:00 p.m. the day after the last day of the contracted short-term rental period, all garbage shall be removed. The owner shall be required to obtain one (1) trash can for the first 3 bedrooms; and one (1) can per 2 bedrooms thereafter, and to acquire special valet garbage service from the city's solid waste removal provider in order to ensure all garbage is properly contained and removed. The owner, in lieu of acquiring valet garbage service from the city's solid waste removal provided, may utilize a third party valet garbage service removal provider, but such private service shall not excuse continuing to accept and pay for regular services of the city solid waste service provider;

(5) Whoever, without being authorized, licensed, or invited, willfully enters or remains in any structure or conveyance of a single-family dwelling unit, or, having been authorized, licensed, or invited is warned by the owner or lessee, to depart the single-family dwelling unit and refuses to do so, commits the offense of trespass in a structure or conveyance;

(6) Recreational amenities, such as exercise facilities, hot tubs and swimming pools, may not be jointly shared commodities and should not be considered available for use unless the right to use such facilities is clearly stated in the rental agreement for the dwelling unit.

ORDINANCE 18-29-CC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO OCCUPANCY LIMITS FOR SHORT-TERM RENTALS; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR THE AMENDMENT OF CODE OF ORDINANCES ARTICLE VI - REGISTRATION OF SHORT-TERM RENTALS; AMENDING SECTION 13-108, LOCAL RESPONSIBLE PARTY REQUIRED; AMENDING SECTION 13-114, POSTING OF SIGNAGE; CREATING SECTION 13-117, OCCUPANCY LIMITS; CREATING SECTION 13-118, EXEMPTION FOR PRE-EXISTING AGREEMENTS; PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DESTIN, FLORIDA, AS FOLLOWS:

SECTION 1. AUTHORITY. The authority for enactment of this Ordinance is Article I, Section 1.01 (b) of the City Charter, Section 166.021, Florida Statutes and Chapter 163, Pan II, Florida Statutes.

SECTION 2. FINDINGS OF FACT.

WHEREAS, the City Council approved the Short-term Rental Task Force on October 2, 2017 in order to provide recommendations to the City Council on issues related to the presence of short-term rentals in established residential neighborhoods; and

WHEREAS, residents residing within their residential dwellings are inherently familiar with the local surroundings, local weather disturbances, local hurricane evacuation plans, and means of egress from their residential dwellings, thereby minimizing potential risks to themselves and their families; and

WHEREAS, in contrast to residents, transient occupants of short-term rentals, due to their transient nature, are typically not familiar with local surroundings, local weather disturbances, local hurricane evacuation plans, and means of egress from the Vacation Rentals in which they are staying, thereby increasing potential risks to themselves and their families, and putting an additional burden on, and potentially putting at risk, emergency personnel in the event of an emergency situation; and

WHEREAS, certain short-term rentals are presently located within the single-family residential zoning districts of the City of Destin; and

WHEREAS, the presence of under-regulated short-term rentals within residential dwelling units in established residential neighborhoods can create negative compatibility impacts, among which include, but are not limited to, excessive noise, on-street parking, accumulation of trash, diminished public safety, excessive use and impact on public services and public works, and extreme size and/or greater occupancy of structures; and

WHEREAS, short-term rentals situated within residential neighborhoods can disturb the quiet nature and atmosphere of the residential neighborhoods, and the quiet enjoyment of its residents; and

WHEREAS, a residential dwelling is typically the single largest investment a family will make with the residents of the residential dwelling desiring the tranquility and peaceful enjoyment of their neighborhood without excessive noise and increased parking issues and traffic congestion caused by transient occupants of short-term rentals; and

WHEREAS, according to U.S. Census data, the City of Destin has an average household size of 2.26 persons between 2013-2017; and

WHEREAS, short-term rentals situated in single-family residential neighborhoods can and do create a great disparity in occupancy; and

WHEREAS, there has been an increase in both the number of residential structures being used for short-term rental purposes in the City and the same such units are occupied as opposed to being vacant or unrented; and

WHEREAS, the City has seen an increase in disproportionate impacts related to the size of the structure including excessive occupancy and lack of proper facilities; and

WHEREAS, in Section 509.032, Florida Statutes, the State Legislature has granted authority to local government to regulate short-term rental units; and

WHEREAS, this Ordinance does not prohibit, nor intend to prohibit, short-term rentals, nor does it regulate the frequency or duration of such rentals; and

WHEREAS, the City Council has deemed it in the best interest of its citizens and residents to adopt additional regulations for short-term rental units; and

WHEREAS, the City Council has studied this issue, reviewed regulations adopted by other jurisdictions, sponsored focus groups to obtain input from the public and stakeholders, received public comment at numerous work sessions and meetings prior to adopting this ordinance; and

WHEREAS, the City Council has deemed it necessary to amend the existing Code of Ordinances to provide for the addition of maximum occupancy limits for Short-Term Rentals; and

WHEREAS, the City Council has determined that this ordinance is consistent with the adopted Comprehensive Plan and is in the best interest of the City and its citizens; and

WHEREAS, a public hearing has been conducted by the City Council after due public notice.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DESTIN, FLORIDA, AS FOLLOWS:

NOTE: Language in section three (3) of this ordinance that is ~~strike thru~~ is language proposed to be deleted, underline language is language to be added, language that is not in strike-thru or underlined is not to be changed. The symbol *** represents sections of the Code of Ordinances that have been skipped and remain unchanged.

SECTION 3. AMENDMENT OF CODE OF ORDINANCES CHAPTER 13: Chapter 13 of the Code of Ordinances is hereby amended as follows:

ARTICLE VI. - REGISTRATION OF SHORT-TERM RENTALS

Sec. 13-108 Local Responsible Party Required

Whenever any property is required to be registered under this article, the owner shall appoint a person to serve as the local responsible party for service of notices as are specified herein, and notices given to the responsible party shall be sufficient to satisfy any requirement of notice to the owner. The owner shall notify the city manager or his designee in writing of the appointment within five (5) days of being required to make such appointment, and shall thereafter notify the city manager or his designee of any change of the local responsible party within fifteen (15) days of such change.

The designation of a local responsible party does not relieve the owner of the responsibility to comply with all state and local statutes and ordinances. Further, a local responsible party who accepts the designation to act on behalf of a property owner is held to the same standard as the property owner with respect to compliance with all statutes and ordinances and may be cited for non-compliance with any code, rule or ordinance applicable to the property.

Further, it is hereby made the affirmative duty of the local responsible party to:

- (1) Inform all seasonal residents prior to occupancy of the single family dwelling unit of applicable City of Destin ordinances concerning noise, vehicle parking, garbage and common area usage;
- (2) Maintain all properties under their control in compliance with the occupancy limits, as specified in the City of Destin Code of Ordinances;
- (3) ~~See~~ Ensure that the provisions of this article are complied with and promptly address any violations of this article or any violations of law, which may come to the attention of the responsible party;

- (4) Post a sign outside the residence that clearly identifies the management company responsible for the property and the phone number of the local Responsible Party that is located within 30 miles of the residence, in accordance with sections 107 and 114 of this Code. The name and address of the Responsible Party shall be listed on the annual registration form. The Responsible Party shall immediately notify the City if the Responsible Party changes during the year. The Responsible Party shall be available with authority to address and correct violations with the rental of the single family dwelling unit twenty-four hours a day, seven days a week. No guest may stay in the residence until the sign is erected with the necessary information.
- (5) Be familiar with the City's short term rental regulations and provide acknowledgement that the applicant will comply with the City's regulations for short-term rentals at the time of registration.
- (6) Be situated close enough to the single family dwelling unit to be able to and have the capacity to service emergency calls within one (1) hour of notification, including but not limited to evicting tenants.
- (7) Maintain the entire property of the single-family dwelling unit free of garbage and litter. Provide however, that this section shall not prohibit the storage of garbage and litter in authorized private receptacles for collection.

* * *

Sec. 13-114. - Posting of signage.

Prior to the owner of the single-family dwelling unit allowing another person to occupy the single-family dwelling unit as a seasonal resident, owner shall post a sign on the property meeting the following requirements:

- (a) The sign must be prominently placed on the property of the single family dwelling unit so that the required content of the sign shall be legible as viewed from the public right-of-way; however, signage shall not be placed in the public right-of-way;
- (b) Such sign shall be eighteen by eighteen (18x 18) not larger than eighteen (18) inches by twelve (12) inches and not smaller than sixteen (16) inches by ten (10) inches in size;
- (c) The sign must clearly indicate the name, and twenty-four (24) hours a day, seven (7) days a week emergency contact phone number of the local responsible party for said single-family dwelling unit. If the responsible party phone number and the rental contact phone number are different, the sign shall clearly indicate both phone numbers;
- (d) The sign must clearly indicate the occupancy limit and maximum available parking;
- ~~(d)~~ (e) The sign must be continuously on the property of the single-family dwelling unit during any period a local business tax or registration has not expired.
- (f) A current City of Destin annual decal must be displayed in the top right hand corner of the sign. The City will provide the property owner with such annual decal at the time of annual registration of the short-term rental.

* * *

Sec. 13-117. – Maximum occupancy based on site capacity/Grandfathering.

(a) The maximum overnight occupancy of a short-term rental shall be stated in the short-term rental registration form, and shall be limited to the lesser occupancy of the following two options:

i. Two (2) persons for each bedroom, plus four (4) additional persons. The number of bedrooms shall be based upon the Property Appraiser's residential profile of the property, and other documents of record, as needed. In no case shall the maximum total occupancy for any dwelling unit exceed the occupancy limits permitted by the Florida Fire Prevention Code or Florida Building Code.

or

ii. A total of twenty-four (24) persons per short-term rental. In the event that there is more than one building or dwelling on one platted lot, the maximum occupancy shall be capped at twenty-four (24) occupants per lot or structure, whichever is less.

(b) Before the hours of 7 AM or after 10 PM, the occupancy load of the unit may not exceed the maximum allowed number of overnight tenants.

(c) Reasonable verification must be given to the designated local responsible party in accordance with Section 13-108 of this article within 36 hours of rental guest arrival to confirm compliance with the maximum overnight occupancy requirement. The maximum number of allowable occupants and parking shall be posted on signage in front of the rental property in accordance with Section 13-114 of this article.

(d) All marketing and/or advertising for short-term rental units must contain (i) information concerning the occupancy limit of the short-term rental unit, and (ii) the maximum parking available on the property. Advertising for more than the allowable occupancy or allowable parking is prima facie evidence of a violation of the City Code. Further, failure to include such occupancy limits and maximum parking availability is prima facie evidence of a violation of the City Code.

(e) Minimum Provisions for Short-Term Rental Agreements: Short Term Rentals shall be rented, leased or occupied pursuant to a written rental agreement which contains, at a minimum, the following information:

- i. Maximum occupancy of the short-term rental that is consistent with the short-term rental registration.
- ii. The maximum number of vehicles that will be allowed to park at the short-term rental. Such number of vehicles shall not exceed the number of legal parking spaces that the short-term rental owner can show are available to the short-term rental.

- iii. A statement that all occupants must promptly evacuate from the short-term rental upon posting of any evacuation order issued by state or local authorities.
- iv. As a courtesy, a copy of a document to be supplied by the City which includes excerpts from the City of Destin's ordinance provisions of general application relevant to short-term rentals to include regulations related to solid waste and trash, prohibited parking, and the City's noise ordinance. Failure of the City to provide this courtesy document does not relieve any short-term rental owner or other person of their obligation to comply with any City ordinance.

(f) Notwithstanding the above, the owner (or authorized agent) of a short-term rental that either (a) has a pending development order application as of the effective date of this ordinance (January 22, 2019), or (b) has a structure that has been used as a short-term rental as of the effective date of this ordinance (January 22, 2019), may apply for the status of grandfathered for a period of five (5) years, as to occupancy limitations, and may cap its occupancy based upon the criteria and procedures set forth herein. Short-term rentals that have an occupancy of twenty-four (24) or less, and that otherwise comply with the occupancy restrictions set forth in Section 13-117(a) above, will not require grandfathering to maintain that occupancy.

- i. The short-term rental owner, or agent, as applicable ("Grandfathering Applicant") shall complete a Grandfathering Application as prescribed by the City, which shall be submitted under oath and upon penalty of perjury, and provide verifiable written proof of the following criteria:
 - 1. The use as a short-term rental was existing and legally established as of January 22, 2019.
 - 2. The number of bedrooms in the short-term rental was existing and legally established as of January 22, 2019. The number of bedrooms shall be based upon the Property Appraiser's residential profile of the property, and other documents of record, as needed.
 - 3. The short-term rental must be registered with the City and must be in compliance with all applicable City of Destin codes and ordinances.
- ii. The Grandfathering Application and supporting proof shall be submitted to the City for review by the City staff in consultation with the City Land Use Attorney. If City staff determines that all of the criteria set forth in the above subsection 13-117(f)(i) are met, staff shall confirm the requested occupancy of such short-term rental. If all of the criteria are not met, then the City of Destin shall notify the Grandfather Applicant of that fact, and the occupancy level that can be approved, in writing.

- iii. Within twenty (20) days after such notice, an evidentiary hearing may be requested by the Grandfathering Applicant before the City Council to provide the Grandfathering Applicant an opportunity to provide evidence and/or testimony in support of the occupancy requested. A determination by the City Council after such evidentiary hearing shall be final. If no hearing is requested during that time period, the occupancy level shall be set at the level determined by the City staff upon initial review.
1. Written notice of the date, time, place and purpose of the hearing shall be mailed by the city clerk to all owners of property located within one hundred and fifty (150) feet of the boundaries of the property for which the grandfathered rights are sought, according to the latest certified tax roll. Such notice shall be mailed not later than fifteen (15) days prior to the date of the scheduled hearing. Additionally, notice will be published in a local newspaper of general circulation at least ten (10) days prior to the public hearing.
 2. The City Council shall render a decision to either issue or deny the Grandfathering Application.
 3. The decision shall be mailed to the Grandfathering Applicant and shall include findings of fact and conclusions of law, and shall state specifically the maximum occupancy that is grandfathered for a five (5) year period.
- iv. An application for grandfathering shall be submitted, if at all, by no later than the time of registration of the short-term rental, but not later than July 22, 2019. If the City extends the date that registration is required, the deadline for the application for grandfathering shall also be extended to the same extended date. If a short-term rental has been registered, but a final determination as to the occupancy level based upon grandfathering has not yet been made, such short-term rental may allow occupancy up to the occupancy requested in the grandfathering application until such time as a final determination as to occupancy has been made.
- v. If it is reasonably determined by the City staff that any information supplied to the City of Destin in support of an application for grandfathering was intentionally false or fraudulent, the person supplying the false or fraudulent information shall be subject to a fine as set by the City Council by resolution. If there is such a determination by City staff, the City of Destin shall notify the Grandfathering Applicant of that fact, and within twenty (20) days after such notice, an evidentiary hearing may be requested by the Grandfathering Applicant before the City Council to provide the Grandfathering Applicant an opportunity to provide evidence and/or testimony to show that the information supplied in support of the application for grandfathering was not intentionally false or fraudulent. The determination by the City Council after such evidentiary hearing

shall be final. If no hearing is requested during that time period, the initial determination by the City staff shall be final.

- vi. If a short-term rental is not registered for a period in excess of twelve (12) months, any grandfathering determination shall be deemed abandoned, and shall no longer be applicable to that short-term rental.
- vii. If a grandfathered use ceases for a period of six (6) months, then the grandfathering shall be considered to have lapsed and the short-term vacation rental will be subject to all occupancy requirements as set forth herein.
- viii. An applicant may only submit one Grandfathering Application per short-term rental.
- ix. An appeal of a city council decision on a Grandfathering Application shall be by petition for certiorari review to the circuit court of Okaloosa County, based solely on the record of the hearing before the city council. The applicant is responsible for providing a verbatim transcript of the record of that hearing. Such an appeal must be filed within thirty (30) days after the City renders its decision.

* * *

Sec. 13-118. – Exemption for Pre-Existing Agreements.

Notwithstanding any other provision of this ordinance, rental agreements with prospective occupants for short-term rental units that were pre-existing as of the enactment of this Ordinance 18-29-CC, (hereinafter “Pre-existing Agreements”) are exempt from the provisions of this ordinance for a period of one (1) year. All bookings made subsequent to the enactment of this ordinance are subject to the provisions of this ordinance. All advertising must be compliant within one hundred twenty (120) days of the effective date of this ordinance.

If a short-term rental unit is cited for a violation of this Chapter, (that would not be a violation if it were not for this Section), when the short-term rental unit is occupied under the terms of a Pre-existing Agreement, the short-term rental owner may defend such violation based on the fact that the short-term rental unit was exempt from this Section due to it being occupied pursuant to a Pre-existing Agreement. Such defense shall be determined based upon the following information, and upon any additional information supplied by the short-term rental owner or otherwise determined by the fact finder:

1. Copy of deposit or payment information evidencing that the agreement was a Pre-existing Agreement.
2. Copy of e-mail or other communication evidencing a binding Pre-existing Agreement.
3. Information from the occupant confirming that there was a binding agreement in a time frame to make the agreement as Pre-existing Agreement under this Section.

If it is reasonably determined by the City staff, and confirmed by the City Council, that any information supplied to the City of Destin in support of an application for exemption, or in support of a defense based upon Pre-existing Agreement, was intentionally false or fraudulent, the person supplying the false or fraudulent information shall be subject to a fine

as set by the City Council by resolution.

SECTION 4. INCORPORATION INTO CODE OF ORDINANCES. This ordinance shall be incorporated into the City of Destin's Code of Ordinances and any section or paragraph number or letter and any heading may be changed or modified as necessary to effectuate the foregoing.

SECTION 5. CONFLICTING PROVISIONS. Special Acts of the Florida Legislature applicable to the incorporated area of the City of Destin. City Ordinances and City Resolutions, or parts, thereof, in conflict with the provisions of this ordinance are hereby superseded by this ordinance to the extent of such conflict.

SECTION 6. SEVERABILITY. Each separate provision of this ordinance is deemed independent of all other provisions herein so that if any portion or provision of this ordinance is declared invalid, all other provisions thereof shall remain valid and enforceable.

SECTION 7. EFFECTIVE DATE. This ordinance shall become effective upon its adoption by the City Council and signature by the Mayor.

ADOPTED THIS 22ND DAY OF JANUARY, 2019.

By: Gary Jarvis, Mayor

ATTEST:

Rey Bailey, City Clerk

The form and legal sufficiency of the foregoing has been reviewed and approved by the City Land Use Attorney, for the City of Destin, only:

Kimberly Romano Kopp, Land Use Attorney

ARTICLE VI. - REGISTRATION OF SHORT-TERM RENTALS

Sec. 13-103. - Purpose.

The City Council of the City of Destin recognizes that the unregulated rental of single-family detached dwelling units by seasonal residents uniquely impacts certain neighborhoods within the City of Destin. Therefore, it is necessary and in the interest of the public health, safety, and welfare to monitor and provide reasonable means for citizens of the City of Destin to mitigate impacts created by such rental of single-family dwelling units within the City of Destin as set forth by this article.

(Ord. No. 17-03-CC, § 3, 2-21-17)

Sec. 13-104. - Definitions.

For the purpose of this article, the following terms, phrases, words, abbreviations and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. Words not defined shall be given their meaning as provided in section 1-2, Definitions and rules of construction, of the City of Destin Code of Ordinances.

Condominium shall mean the form of ownership of real property, created pursuant to F.S. Ch. 718.103, which is comprised entirely of units that may be owned by one or more persons, and in which there is, appurtenant to each unit, an undivided share in common elements.

Dwelling, single-family shall mean for the purposes of this article a residential structure that may either be detached from any other residential structure or be attached to a wall of another residential structure such as townhomes, duplexes, and triplexes.

Garbage shall mean every accumulation of waste (animal, vegetable and/or other matter) that results from the preparation, processing, consumption, dealing in, handling, packing, canning, storage, transportation, decay or decomposition of meats, fish, fowl, birds, fruits, grains or other animal or vegetable matter (including, but not by way of limitation, used tin cans and other food containers); and all other putrescible or easily decomposed animal or vegetable waste matter which is likely to attract flies or rodents.

Owner shall mean the person in whom is vested the ownership, dominion, or title of property.

Responsible party shall mean for the purposes of this article, the owner or the person designated by the owner of the property to be called upon to answer for the maintenance of the property and the conduct and acts of seasonal residents of single-family dwelling units.

Seasonal resident shall mean people, guests, tourists, lessees, vacationers, or others who lease or rent a single-family dwelling unit for valuable consideration for a period of time between one (1) day to no more than six (6) months.

Short-term rental shall mean for the purposes of this article, any occupancy of a single-family dwelling unit for a period of time between one (1) day to no more than six (6) months.

(Ord. No. 17-03-CC, § 3, 2-21-17)

Sec. 13-105. - Registration required.

It shall be unlawful for any person to allow another person to occupy any single family dwelling unit as a seasonal resident within the City of Destin, or offer such rental services within the City of Destin, unless the person has been registered with the City of Destin in accordance with the provisions of this article. Once registration is complete, the applicant will receive a city-issued annual sticker which must be displayed in a conspicuous location at the front of the rental property.

Additionally, the applicant shall post a sign on the property in accordance with section 13-114 of this Code within seven (7) days following the completion of the registration process.

(Ord. No. 17-03-CC, § 3, 2-21-17; Ord. No. 18-10-CC, § 3, 6-18-18)

Sec. 13-106. - Formal application required.

Every person required to procure a registration under the provisions of this article shall submit a new application for such registration each year to the city manager or his designee. Submission of an incomplete registration application form shall result in rejection of the application.

(Ord. No. 17-03-CC, § 3, 2-21-17)

Sec. 13-107. - Application for registration.

Applications for registration shall include:

- (1) Address, lot, block and subdivision name of single-family dwelling unit offered for rental.
- (2) Name, address, and phone number of owner of said single-family dwelling unit.
- (3) Email of owner of said single-family dwelling unit.
- (4) Name, address and emergency contact phone number of a responsible party who resides within thirty (30) miles of said single-family dwelling unit. The contact number shall be a twenty-four-hour, seven (7) days a week contact number.
- (5) Emergency contact phone number for a responsible party shall be answered twenty-four (24) hours a day, seven (7) days a week, and the Responsible party shall have authority to address and correct violations associated with the single-family dwelling unit including but not limited to authority to evict tenant(s).
- (6) Acknowledgement signed by the owner or agent of the owner, understanding and agreeing to the initial and on-going compliance with the City of Destin's short-term rental regulations and standards contained herein and all other applicable local, state, and federal laws, regulations, and standards to include, but not limited to F.S. ch. 509, and Rules, Chapter 61C and 69A, of the Florida Administrative Code.
- (7) Valid and current City of Destin Business Tax Receipt.
- (8) Valid and current Florida Department of Revenue Annual Resale Certificate under F.S. ch. 212, and a valid current department of business and professional regulation vacation rental dwelling license under F.S. ch. 509.

- (9) Signage must be displayed in accordance with City of Destin Code of Ordinances chapter 13, article VI,.
- (10) Application fee is required at the time of application and is non-refundable. Applications submitted without an application fee will be deemed incomplete.
- (11) Applications deemed incomplete will be rejected/returned to the owner/applicant and are subject to a reapplication fee and late fees.
- (12) Applications in a paper format may be subject to an additional administrative fee.

(Ord. No. 17-03-CC, § 3, 2-21-17; Ord. No. 18-10-CC, § 3, 6-18-18)

Sec. 13-108. - Local responsible party required.

Whenever any property is required to be registered under this article, the owner shall appoint a person to serve as the local responsible party for service of notices as are specified herein, and notices given to the responsible party shall be sufficient to satisfy any requirement of notice to the owner. The owner shall notify the city manager or his designee in writing of the appointment within five (5) days of being required to make such appointment, and shall thereafter notify the city manager or his designee of any change of the local responsible party within fifteen (15) days of such change.

The designation of a local responsible party does not relieve the owner of the responsibility to comply with all state and local statutes and ordinances. Further, a local responsible party who accepts the designation to act on behalf of a property owner is held to the same standard as the property owner with respect to compliance with all statutes and ordinances and may be cited for non-compliance with any code, rule or ordinance applicable to the property.

Further, it is hereby made the affirmative duty of the local responsible party to:

- (1) Inform all seasonal residents prior to occupancy of the single family dwelling unit of applicable City of Destin ordinances concerning noise, vehicle parking, garbage and common area usage.
- (2) Maintain all properties under their control in compliance with the occupancy limits, as specified in the City of Destin Code of Ordinances.
- (3) Ensure that the provisions of this article are complied with and promptly address any violations of this article or any violations of law, which may come to the attention of the responsible party.
- (4) Post a sign outside the residence that clearly identifies the management company responsible for the property and the phone number of the local responsible party that is located within thirty (30) miles of the residence, in accordance with sections 13-107 and 13-114 of this Code. The name and address of the responsible party shall be listed on the annual registration form. The responsible party shall immediately notify the city if the responsible party changes during the year. The responsible party shall be available with authority to address and correct violations with the rental of the single family dwelling unit twenty-four (24) hours a day, seven days a week. No guest may stay in the residence until the sign is erected with the necessary information.
- (5) Be familiar with the city's short term rental regulations and provide acknowledgement that the applicant will comply with the city's regulations for short-term rentals at the time of registration.
- (6) Be situated close enough to the single family dwelling unit to be able to and have the capacity to service emergency calls within one (1) hour of notification, including but not limited to evicting tenants.

- (7) Maintain the entire property of the single-family dwelling unit free of garbage and litter. Provide however, this section shall not prohibit the storage of garbage and litter in authorized private receptacles for collection.

(Ord. No. 17-03-CC, § 3, 2-21-17; Ord. No. 18-10-CC, § 3, 6-18-18; Ord. No. 18-29-CC, § 3, 1-22-19)

Sec. 13-109. - General regulations/standards.

- (1) All vehicles shall only be parked in the improved accessway/vehicle use area as defined per Land Development Code, Section 3.00.01 and/or within the garage area of the single-family dwelling unit. Garage area parking shall only be counted as provided parking if the area is open and free from obstructions. Vehicles shall not be within the right-of-way, including the grassy/unimproved areas and sidewalk sections for pedestrian traffic pursuant to City of Destin Code of Ordinances, Chapter 19.5, Traffic and Motor Vehicles and Land Development Code, Section 8.01.00.6. Vehicles found in violation of the City of Destin's applicable codes may be subject to citation or impoundment;
- (2) It shall be unlawful to allow or make any noise or sound which exceed the limits set forth in Chapter 14, Article 2;
- (3) Signage will be posted and maintained on the single-family dwelling unit in accordance with section 13-116, of this article;
- (4) No garbage container shall be located at the curb for pickup before 12:00 p.m. of the day prior to pick up, and garbage container shall be removed before midnight of the day of pickup. Additionally, by 5:00 p.m. the day after the last day of the contracted short-term rental period, all garbage shall be removed. The owner shall be required to obtain one (1) trash can for the first three (3) bedrooms; and one (1) can per two (2) bedrooms thereafter, and to acquire special valet garbage service from the city's solid waste removal provider in order to ensure all garbage is properly contained and removed. The owner, in lieu of acquiring valet garbage service from the city's solid waste removal provided, may utilize a third party valet garbage service removal provider, but such private service shall not excuse continuing to accept and pay for regular services of the city solid waste service provider;
- (5) Whoever, without being authorized, licensed, or invited, willfully enters or remains in any structure or conveyance of a single-family dwelling unit, or, having been authorized, licensed, or invited is warned by the owner or lessee, to depart the single-family dwelling unit and refuses to do so, commits the offense of trespass in a structure or conveyance;
- (6) Recreational amenities, such as exercise facilities, hot tubs and swimming pools, may not be jointly shared commodities and should not be considered available for use unless the right to use such facilities is clearly stated in the rental agreement for the dwelling unit;

(Ord. No. 17-03-CC, § 3, 2-21-17; Ord. No. 18-10-CC, § 3, 6-18-18)

Sec. 13-110. - Fees for registration.

The City of Destin is authorized and shall charge reasonable fees for registration to compensate for administrative expenses. The fees for registration shall be provided for, from time to time, by resolution adopted by the City Council of the City of Destin. If a property owner fails to register their short term rental unit in a timely manner, fines will be

imposed consistent with the schedule of fees as amended. If a property owner fails to register their short-term rental unit within ninety (90) days of receipt of the notice to register, the property owner is subject to code enforcement proceedings.

(Ord. No. 17-03-CC, § 3, 2-21-17; Ord. No. 18-10-CC, § 3, 6-18-18)

Sec. 13-111. - Registration not transferable.

No registration issued under the provisions of this article shall be transferred, assigned, used by any person, owner, or agent of the owner other than the one to whom it is issued, or at any location other than the one for which it is issued. No registration issued under this article creates any vested right.

(Ord. No. 17-03-CC, § 3, 2-21-17)

Sec. 13-112. - Renewals and expiration of registration.

All short-term rental registrations issued under the provisions of this article shall be valid for a period not to exceed twelve (12) months and expiring on the last day of February of each calendar year.

Renewal applications must meet the requirements of the City of Destin's Code of Ordinances, Chapter 13, Article 6, Section 13-107. Short-term rental registration renewals may be renewed between January 1 and March 1 of each year. Short-term rental registrations are due March 1 of each year; any such renewal registration received after March 1 of each year is considered late and is subject to a late fee of fifty (\$50.00) and must be paid in addition to any other applicable fees prior to a renewal approval, except as otherwise approved by the city manager or their designee.

(Ord. No. 17-03-CC, § 3, 2-21-17)

Sec. 13-112.5 - False information.

It shall be unlawful for any person to give any false or misleading information in connection with the application for registration required by this article.

(Ord. No. 17-03-CC, § 3, 2-21-17)

Sec. 13-113. - Territory embraced.

The provisions of this article shall apply within the City of Destin.

(Ord. No. 17-03-CC, § 3, 2-21-17)

Sec. 13-114. - Posting of signage.

Prior to the owner of the single-family dwelling unit allowing another person to occupy the single-family dwelling unit as a seasonal resident, owner shall post a sign on the property meeting the following requirements:

- (a) The sign must be prominently placed on the property of the single family dwelling unit so that the required content of the sign shall be legible as viewed from the public right-of-way; however, signage shall not be placed in the public right-of-way;

- (b) Such sign shall be eighteen by eighteen (18×18) inches in size;
- (c) The sign must clearly indicate the name, and twenty-four (24) hours a day, seven (7) days a week emergency contact phone number of the local responsible party for said single-family dwelling unit. If the responsible party phone number and the rental contact phone number are different, the sign shall clearly indicate both phone numbers;
- (d) The sign must clearly indicate the occupancy limit and maximum available parking;
- (e) The sign must be continuously on the property of the single-family dwelling unit during any period a local business tax or registration has not expired;
- (f) A current City of Destin annual decal must be displayed in the top right hand corner of the sign. The city will provide the property owner with such annual decal at the time of annual registration of the short-term rental.

(Ord. No. 17-03-CC, § 3, 2-21-17; Ord. No. 18-29-CC, § 3, 1-22-19)

Sec. 13-115. - Preemption of homeowner's association.

All regulations regarding the posting of a sign on the property of the single-family dwelling unit shall preempt any homeowner's association restrictions on the posting of signs to the extent that any such homeowner's association restrictions or regulations conflict with this article.

(Ord. No. 17-03-CC, § 3, 2-21-17)

ec. 13-116. - Enforcement.

The provisions of this article shall be enforced as provided in Chapter 14, Offenses and Miscellaneous Provisions, of the Code Ordinances of the City of Destin, and by such other means as are specified herein below:

- (1) *Code enforcement:* The code enforcement division may enforce the terms of this article by bringing a case to the code enforcement special magistrate or code enforcement board, whichever is applicable, as provided in Chapter 14, Offenses and Miscellaneous Provisions, Article III, Code Enforcement Board or Special Magistrate, of the Code of Ordinances of the City of Destin and F.S. Ch. 162, Pt. I.
- (2) *Civil citation:* The code enforcement division, or other duly authorized officer or authority, may enforce the terms of this article through issuance of civil citation as provided in Chapter 14, Offenses and Miscellaneous Provisions, Article III, Code of Enforcement Citation Program and Procedures, of the Code of Ordinances of the City of Destin and F.S. Ch. 162, Pt. II.
- (3) *Denial/Suspension/Revocation:* Any registration issued pursuant to this article may be administratively denied, revoked, or suspended by the city for failure to satisfy the requirements for registration or for violation by the owner of this article, any City of Destin Ordinance, or state law. Such denial, revocation or suspension is in addition to any penalty provided herein. Any appeal of administrative action taken pursuant to this subsection shall be as provided in City of Destin Land Development Code Section 2.22.00, Appeals.
- (4) *Criminal penalties:* A violation of this article shall be punishable as a misdemeanor by a fine of up to five hundred dollars (\$500.00) per violation and a definite term of imprisonment of not more than

sixty (60) days as provided in F.S. § 162.22.

It is the legislative intent of the city council in enacting this article to provide an additional or supplemental means of obtaining compliance with the requirements stated herein. Nothing contained in this article shall be deemed to prohibit the City of Destin from seeking enforcement by any other means provided by law, including, but not limited to, filing an action for declaratory and injunctive relief in a court of competent jurisdiction.

(Ord. No. 17-03-CC, § 3, 2-21-17)

Sec. 13-117. - Maximum occupancy based on site capacity/grandfathering.

- (a) The maximum overnight occupancy of a short-term rental shall be stated in the short-term rental registration form, and shall be limited to the lesser occupancy of the following two (2) options:
 - (1) Two (2) persons for each bedroom plus four (4) additional persons. The number of bedrooms shall be based upon the property appraiser's residential profile of the property, and other documents of record, as needed. In no case shall the maximum total occupancy for any dwelling unit exceed the occupancy limits permitted by the Florida Fire Prevention Code or Florida Building Code; or
 - (2) A total of twenty-four (24) persons per short-term rental. In the event that there is more than one (1) building or dwelling on one (1) platted lot, the maximum occupancy shall be capped at twenty-four (24) occupants per lot or structure, whichever is less.
- (b) Before the hours of 7:00 a.m. or after 10:00 p.m., the occupancy load of the unit may not exceed the maximum allowed number of overnight tenants.
- (c) Reasonable verification must be given to the designated local responsible party in accordance with section 13-108 of this article within thirty-six (36) hours of rental guest arrival to confirm compliance with the maximum overnight occupancy requirement. The maximum number of allowable occupants and parking shall be posted on signage in front of the rental property in accordance with section 13-114 of this article.
- (d) All marketing and/or advertising for short-term rental units must contain (i) information concerning the occupancy limit of the short-term rental unit, and (ii) the maximum parking available on the property. Advertising for more than the allowable occupancy or allowable parking is prima facie evidence of a violation of the City Code. Further, failure to include such occupancy limits and maximum parking availability is prima facie evidence of a violation of the City Code.
- (e) Minimum provisions for short-term rental agreements: Short term rentals shall be rented, leased or occupied pursuant to a written rental agreement which contains, at a minimum, the following information:
 - (1) Maximum occupancy of the short-term rental that is consistent with the short-term rental registration.
 - (2) The maximum number of vehicles that will be allowed to park at the short-term rental. Such number of vehicles shall not exceed the number of legal parking spaces that the short-term rental owner can show are available to the short-term rental.
 - (3) A statement that all occupants must promptly evacuate from the short-term rental upon posting of any evacuation order issued by state or local authorities.
 - (4) As a courtesy, a copy of a document to be supplied by the city which includes excerpts from the City

of Destin's ordinance provisions of general application relevant to short-term rentals to include regulations related to solid waste and trash, prohibited parking, and the city's noise ordinance. Failure of the city to provide this courtesy document does not relieve any short-term rental owner or other person of their obligation to comply with any city ordinance.

- (f) Notwithstanding the above, the owner (or authorized agent) of a short-term rental that either (a) has a pending development order application as of the effective date of this ordinance (January 22, 2019), or (b) has a structure that has been used as a short-term rental as of the effective date of this ordinance (January 22, 2019), may apply for the status of grandfathered for a period of five (5) years, as to occupancy limitations, and may cap its occupancy based upon the criteria and procedures set forth herein. Short-term rentals that have an occupancy of twenty-four (24) hours or less, and that otherwise comply with the occupancy restrictions set forth in section 13-117(a) above, will not require grandfathering to maintain that occupancy.
- (1) The short-term rental owner, or agent, as applicable ("grandfathering applicant") shall complete a grandfathering application as prescribed by the city, which shall be submitted under oath and upon penalty of perjury, and provide verifiable written proof of the following criteria:
- a. The use as a short-term rental was existing and legally established as of January 22, 2019.
 - b. The number of bedrooms in the short-term rental was existing and legally established as of January 22, 2019. The number of bedrooms shall be based upon the property appraiser's residential profile of the property, and other documents of record, as needed.
 - c. The short-term rental must be registered with the city and must be in compliance with all applicable City of Destin codes and ordinances.
- (2) The grandfathering application and supporting proof shall be submitted to the city for review by the city staff in consultation with the city land use attorney. If city staff determines that all of the criteria set forth in the above subsection 13-117(f)(1) are met, staff shall confirm the requested occupancy of such short-term rental. If all of the criteria are not met, then the City of Destin shall notify the grandfather applicant of that fact, and the occupancy level that can be approved, in writing.
- (3) Within twenty (20) days after such notice, an evidentiary hearing may be requested by the grandfathering applicant before the city council to provide the grandfathering applicant an opportunity to provide evidence and/or testimony in support of the occupancy requested. A determination by the city council after such evidentiary hearing shall be final. If no hearing is requested during that time period, the occupancy level shall be set at the level determined by the city staff upon initial review.
- a. Written notice of the date, time, place and purpose of the hearing shall be mailed by the city clerk to all owners of property located within one hundred and fifty (150) feet of the boundaries of the property for which the grandfathered rights are sought, according to the latest certified tax roll. Such notice shall be mailed not later than fifteen (15) days prior to the date of the scheduled hearing. Additionally, notice will be published in a local newspaper of general circulation at least ten (10) days prior to the public hearing.
 - b. The city council shall render a decision to either issue or deny the grandfathering application.
 - c. The decision shall be mailed to the grandfathering applicant and shall include findings of fact and conclusions of law, and shall state specifically the maximum occupancy that is

grandfathered for a five-year period.

- (4) An application for grandfathering shall be submitted, if at all, by no later than the time of registration of the short-term rental, but not later than July 22, 2019. If the city extends the date that registration is required, the deadline for the application for grandfathering shall also be extended to the same extended date. If a short-term rental has been registered, but a final determination as to the occupancy level based upon grandfathering has not yet been made, such short-term rental may allow occupancy up to the occupancy requested in the grandfathering application until such time as a final determination as to occupancy has been made.
- (5) If it is reasonably determined by the city staff that any information supplied to the City of Destin in support of an application for grandfathering was intentionally false or fraudulent, the person supplying the false or fraudulent information shall be subject to a fine as set by the city council by resolution. If there is such a determination by city staff, the City of Destin shall notify the grandfathering applicant of that fact, and within twenty (20) days after such notice, an evidentiary hearing may be requested by the grandfathering applicant before the city council to provide the grandfathering applicant an opportunity to provide evidence and/or testimony to show that the information supplied in support of the application for grandfathering was not intentionally false or fraudulent. The determination by the city council after such evidentiary hearing shall be final. If no hearing is requested during that time period, the initial determination by the city staff shall be final.
- (6) If a short-term rental is not registered for a period in excess of twelve (12) months, any grandfathering determination shall be deemed abandoned, and shall no longer be applicable to that short-term rental.
- (7) If a grandfathered use ceases for a period of six (6) months, then the grandfathering shall be considered to have lapsed and the short-term vacation rental will be subject to all occupancy requirements as set forth herein.
- (8) An applicant may only submit one grandfathering application per short-term rental.
- (9) An appeal of a city council decision on a grandfathering application shall be by petition for certiorari review to the circuit court of Okaloosa County, based solely on the record of the hearing before the city council. The applicant is responsible for providing a verbatim transcript of the record of that hearing. Such an appeal must be filed within thirty (30) days after the city renders its decision.

(Ord. No. 18-29-CC, § 3, 1-22-19)

Sec. 13-118. - Exemption for pre-existing agreements.

Notwithstanding any other provision of this ordinance, rental agreements with prospective occupants for short-term rental units that were pre-existing as of the enactment of this Ordinance No. 18-29-CC, (hereinafter "pre-existing agreements") are exempt from the provisions of this ordinance for a period of one (1) year. All bookings made subsequent to the enactment of this ordinance are subject to the provisions of this ordinance. All advertising must be compliant within one hundred twenty (120) days of the effective date of this ordinance.

If a short-term rental unit is cited for a violation of this chapter, (that would not be a violation if it were not for this section), when the short-term rental unit is occupied under the terms of a pre-existing agreement, the short-term rental owner may defend such violation based on the fact that the short-term rental unit was exempt from this section due to

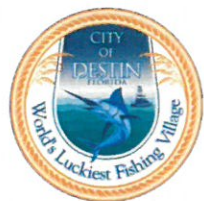
it being occupied pursuant to a pre-existing agreement. Such defense shall be determined based upon the following information, and upon any additional information supplied by the short-term rental owner or otherwise determined by the fact finder:

- (1) Copy of deposit or payment information evidencing that the agreement was a pre-existing agreement.
- (2) Copy of e-mail or other communication evidencing a binding pre-existing agreement.
- (3) Information from the occupant confirming that there was a binding agreement in a time frame to make the agreement as pre-existing agreement under this section.

If it is reasonably determined by the city staff, and confirmed by the city council, that any information supplied to the City of Destin in support of an application for exemption, or in support of a defense based upon pre-existing agreement, was intentionally false or fraudulent, the person supplying the false or fraudulent information shall be subject to a fine as set by the city council by resolution.

(Ord. No. 18-29-CC, § 3, 1-22-19)

Sec. 13-119. - Reserved.



City of Destin Code Compliance Division

City of Destin Annex
4100 Indian Bayou Trail
Destin, Florida 32541

Phone (850) 837-4242 • Fax (850) 460-2171

Application Portal: www.cityofdestin.com/cserve

Rental Details: www.cityofdestin.com/rentals

SHORT TERM RENTAL REGISTRATION APPLICATION

Please use the following checklist as a guide for a complete package. **INCOMPLETE PACKAGES AT TIME OF SUBMITTAL WILL BE REJECTED AND SUBJECT TO A REAPPLICATION FEE.** Paper submittals require an appointment by phone or in person with the Code Compliance Division and are subject to additional fees. To schedule your appointment please call 1-850-842-4596 or email code@cityofdestin.com

All sections are required to be completed; please apply through portal or print.

- └ Post signage on property; see details under section 1 on page 3 of this application.
- └ **BEGINNING 2019 ALL SHORT TERM RENTAL PROPERTIES ARE REQUIRED TO HAVE A SHORT TERM RENTAL CITY OF DESTIN DECAL POSTED ON THE TOP RIGHT CORNER OF THE SIGN. DECALS WILL NOT BE MAILED AND MUST BE PICKED UP AND SIGNED FOR AT THE CODE COMPLIANCE DIVISION LOCATED AT THE CITY OF DESTIN ANNEX. DECALS WILL NOT BE ISSUED UNTIL PROPERTY IS REGISTERED**
- └ Complete application details; sections A, B, C & D on page 2 of this application.
- └ Signed acknowledgements by owner or authorized agents, adherence to all applicable regulations attributed to short-term rentals, page 3 of this application.
- └ Annual registration and any additional fees as applicable paid in full. (FY2017 Schedule of Fees, Resolution 17-15; adopted 02/21/2017; effective 02/21/2017).
- └ Provide a copy of a valid and current City of Destin Business Tax Receipt and application pursuant to Chapter 13 of the Code of Ordinances. Please call (850) 837-4242 or visit the Building Division for further information; Business Tax Receipt application can be found on our website at www.cityofdestin.com/rentals.
- └ Provide a copy of a valid and current Florida Department of Revenue Resale Certificate (Chapter 212, Florida Statutes). This process can be started by calling 1-800-352-3671 or visiting http://floridarevenue.com/taxesfees/Pages/sales_tax.aspx, under the taxes tab, begin with "Register to Collect & Report Taxes."
- └ Provide a copy of a valid and current Florida Vacation Rental Dwelling License (Chapter 509, Florida Statutes). This process can be started by visiting www.myfloridalicense.com or calling 1-850-487-1395; find the application under "Apply For/Update Licenses > Hotels and Restaurants > Vacation Rental-Dwelling."

APPLICATION DETAILS

ALL ITEMS ARE REQUIRED. ANY MISSING INFORMATION WILL RESULT IN A REJECTION OF PACKAGE AND SUBJECT TO A RE-APPLICATION FEE.

DATE: _____

A. SHORT TERM RENTAL PROPERTY LOCATION:

Unit Name: _____

Street Address: _____

Lot/Block/Subdivision: _____

Parcel ID: _____

B. SHORT TERM RENTAL PROPERTY OWNER:

Owner Name(s): _____

Mailing Address: _____

City, State, Zip: _____

Primary Phone: _____ Secondary Phone: _____

Email: _____

C. RESPONSIBLE PARTY:

Primary Contact Name: _____

Company Name: _____

Mailing Address: _____

City, State, Zip: _____

Email: _____

Email address will be used for the purpose of future communications and approval certificate issuance.

Emergency Phone: _____ (Available twenty four (24) hours a day, seven (7) days a week) Must reach Responsible Party immediately.

D. ADDITIONAL INFORMATION:

Number of Bedrooms _____

Number of Parking Spaces _____

Total Gross Square Foot _____

(Based on the city of Destin's Building File Records)

ACKNOWLEDGEMENTS

By signing the space below, the owner or agent affirms that he/she has been informed and has knowledge of the following :knowledgements contained in the City of Destin Code of Ordinances, Chapter 13, Article 6 (attached pages 5-9).

- 1. A sign will be posted and maintained on the property, 18” by 18” in size. The content of such sign is described in detail in the City of Destin Code of Ordinances, Chapter 13, Article 6, Section 13-114. Signage must include Name and telephone number of Management Company, name and Telephone number of Emergency Contact (if different from Management Company) Occupancy Limit, and Available Parking spaces.
- 2. The phone number for the Responsible Party will be answered twenty-four (24) hours a day, seven (7) days a week by a party with authority to address or coordinate problems associated with the dwelling unit. The Responsible Party is always the first number the city will call regarding complaints.
- 3. The Responsible Party will reside within the local area (30 miles), and be able to respond in person to complaints or emergencies within one (1) hour and correct violations within a reasonable amount of time.
- 4. All vehicles must be parked in the driveway, garage or other City approved parking space for the dwelling unit and clear of all grassy areas and sidewalk sections for pedestrian traffic pursuant to City of Destin Code of Ordinances, Chapter 19.5, Article 2, Parking Regulations. If vehicles are found in violation of this ordinance, vehicle is subject to immediate towing at the owner’s expense.
- 5. Numbering of residences shall be displayed and clearly visible, legible, and preferable reflective from the street or private way on which the building fronts, as described in detail in the City of Destin Land Development Code, Section 7.18.04.
- 6. It shall be unlawful to allow or make any noise or sound which exceeds the limits set forth in the City of Destin Code of Ordinances, Chapter 14, Article 2, Noise.
- 7. No garbage container shall be located at the curb for pickup before 12:00 pm of the day prior to pickup and garbage container shall be removed before midnight of the day of pickup.
- 8. The renter will be informed that use of an adjacent property’s pools, hot tubs, etc. is considered trespassing unless invited by Responsible Party for that adjacent property or current renter of that property. Other rental properties and their outside facilities are not jointly shared commodities, and should not be considered available for public use.
- 9. The renter will be informed by the Responsible Party of applicable City and homeowner association laws and rules concerning noise, vehicle parking, household garbage, and common area usage.
- 10. The property owner is aware of applicable City and homeowner association laws and rules concerning noise, vehicle parking, household garbage, and common area usage. The Responsible Party has also been made aware of these same laws and rules.
- 11. A rental that is found to be noncompliant will receive a Notice of Violation (NOV) and be subject to fines imposed by the City of Destin’s Special Magistrate.

I acknowledge all the facts stated in this registration application are complete, true and correct, and all the standards, conditions, and referenced regulations provided above have been read, understood, and agreed to.

Signature of Property Owner or Agent for the Owner

Date

Check one: Owner ☐ Agent for the Owner ☐

Page 3 of 6

Application – Short Term Rental –August 2019

ANNUAL REGISTRATION FEE:

(FY2019 Schedule of Fees, Resolution 17-15; adopted 08/05/2019; effective 08/12/2019)

UNIT SQUARE FOOTAGE	CC – STR REGISTRATION FEE
Less Than or Equal to: 2499 sq. ft.	\$500
2500 – 4999 sq. ft.	\$600
Greater Than or equal to: 5000 sq. ft.	\$700

- Accepted Payments are Cash, Check, Credit (Discover, MasterCard or Visa), or Debit Card
- Checks shall be made payable to:
City of Destin
Attn: Code
Compliance Division
4200 Indian Bayou
Trail
Destin, Florida 32541

ADDITIONAL FEES AS APPLICABLE

- \$25.00 Denied/Incomplete Application Fee
- \$25.00 Administrative Fee (Paper Application)
- \$100.00 Late Fee (after March 31st)
- \$500.00 Late fee (after June 1st)

REGISTRATION CERTIFICATE:

- Upon completion and approval of registration, the City of Destin will provide a certificate of approval.

THIS SECTION TO BE COMPLETED BY CITY CODE COMPLIANCE DIVISION STAFF

- Valid and current City of Destin Business Tax Receipt: ☐ YES ☐ NO
- Copy of Business Tax Receipt Application: ☐ YES ☐ NO
- Copy of Affidavit of Bedrooms & Parking Spaces: ☐ YES ☐ NO
- A valid and current FL Department of Revenue Resale Certificate (Chapter 212, F.S.) provided: ☐ YES ☐ NO
- Valid and current Vacation Rental-Dwelling License (Chapter 509, F.S.) provided: ☐ YES ☐ NO
- Acknowledgements signed on page 3: ☐ YES ☐ NO
- Short-Term Rental Property is located in Zoning District and is a permitted use: ☐ YES ☐ NO
- Short Term Rental Registration fee paid: ☐ YES ☐ NO
- \$25.00 Denied/Incomplete Application Fee paid: ☐ YES ☐ NO (as applicable)
- \$25.00 Administrative Fee paid: ☐ YES ☐ NO (as applicable)
- \$100.00 late fee paid: ☐ YES ☐ NO (as applicable)
- \$500.00 late fee paid: ☐ YES ☐ NO (as applicable)

(Continued section to be completed by Code Compliance Division Staff)

Completed and Reviewed by: Staff Initials and Date _____

Rejected ☐ Under Review ☐ Approved ☐

Certificate Issued: YES ☐ NO ☐

Citizen Serve License Number: _____

Signature of Short Term Rental Owner or Agent

Date

Printed Name

Owner ☐ Agent for the Owner ☐

The applicant is hereby notified that should any information on this form be found to be inaccurate or incomplete, any Short Term Rental registration status authorized in connection with this application will be revoked and the City may commence code compliance proceedings and any other legal and equitable means to obtain compliance with City Codes.

APPLICANT:

SIGNATURE: _____

DATE: _____

PRINTED NAME: _____

I HAVE READ THE INFORMATION IN THIS APPLICATION AND HAVE FILLED IN ALL ANSWERS CORRECTLY TO THE BEST OF MY ABILITY. I DO SOLEMNLY SWEAR AND AFFIRM THAT ALL OF THE INFORMATION ENTERED ON THIS FORM IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

APPLICANT:

SIGNATURE: _____

DATE: _____

PRINTED NAME: _____

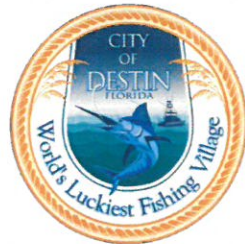
STATE OF _____

COUNTY OF _____

Sworn to and subscribed before me this _____ day of _____, 2019, by _____ who is personally known/produced identification.

Type of identification produced: _____

NOTARY STAMP



City of Destin
Code Compliance Division

City of Destin Annex
4100 Indian Bayou Trail
Destin, Florida 32541
Phone (850) 842-4596

Email to: sgardner@cityofdestin.com

SHORT TERM RENTAL
AFFIDAVIT OF BEDROOMS/PARKING SPACES
2019

Date: _____

Owner Name: _____

Physical Address of
Property: _____

Name and Address of Management Company _____

Number of Bedrooms _____ Number of Parking Spaces _____

Signature of Short Term Rental Owner or Agent

Date

Printed Name

Owner _____ Agent for the Owner _____

The applicant is hereby notified that should any information on this form be found to be inaccurate or incomplete, any Short Term Rental registration status authorized in connection with this application will be revoked and the City may commence code compliance proceedings and any other legal and equitable means to obtain compliance with City Codes.

I HAVE READ THE INFORMATION IN THIS APPLICATION AND HAVE FILLED IN ALL ANSWERS CORRECTLY TO THE BEST OF MY ABILITY. I DO SOLEMNLY SWEAR AND AFFIRM THAT ALL OF THE INFORMATION ENTERED ON THIS FORM IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

APPLICANT:

SIGNATURE _____ DATE _____

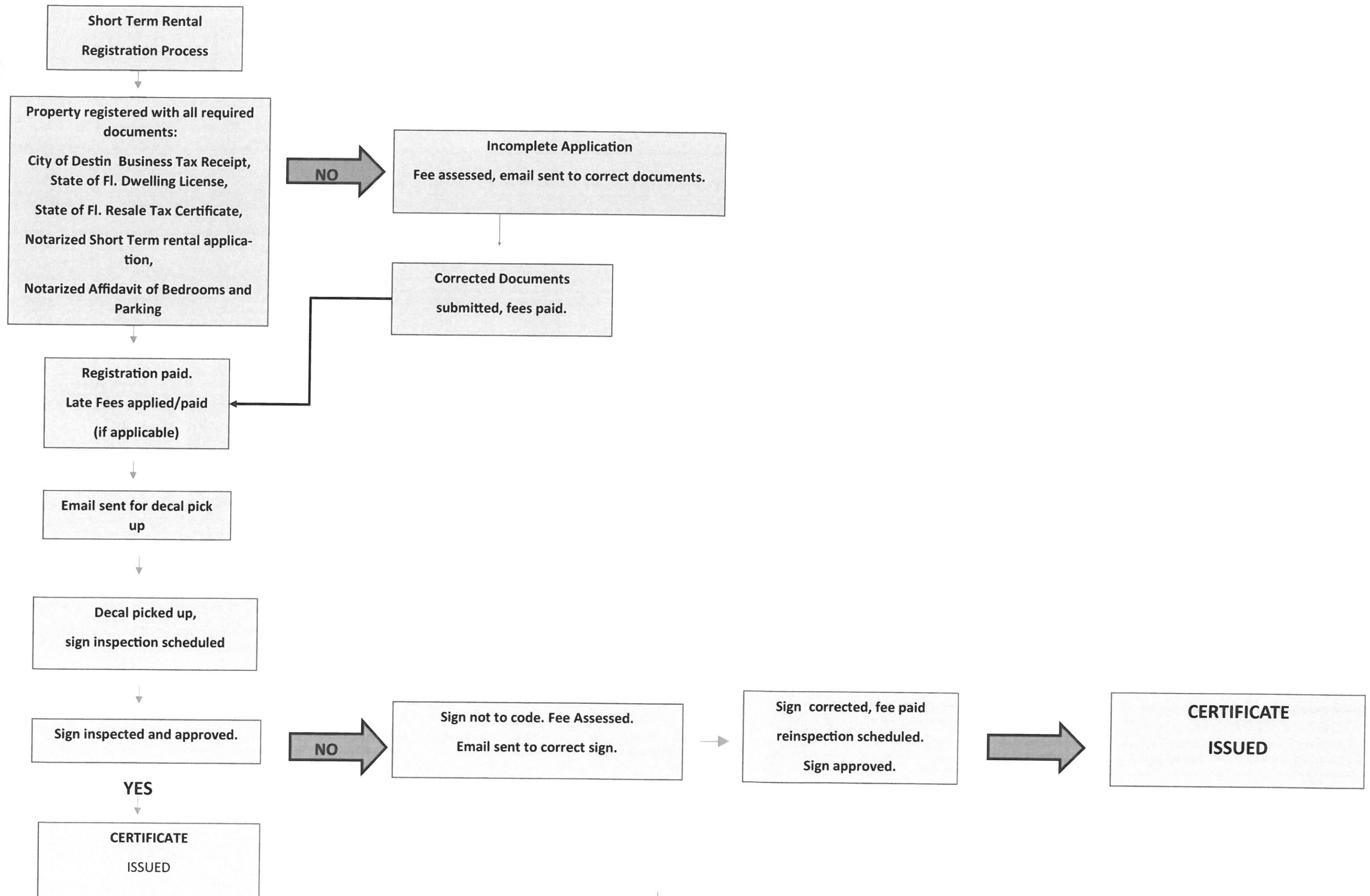
PRINTED NAME _____

STATE OF _____
COUNTY OF _____

Sworn to (or affirmed) and subscribed before me this ____ day of _____, 20____
By _____

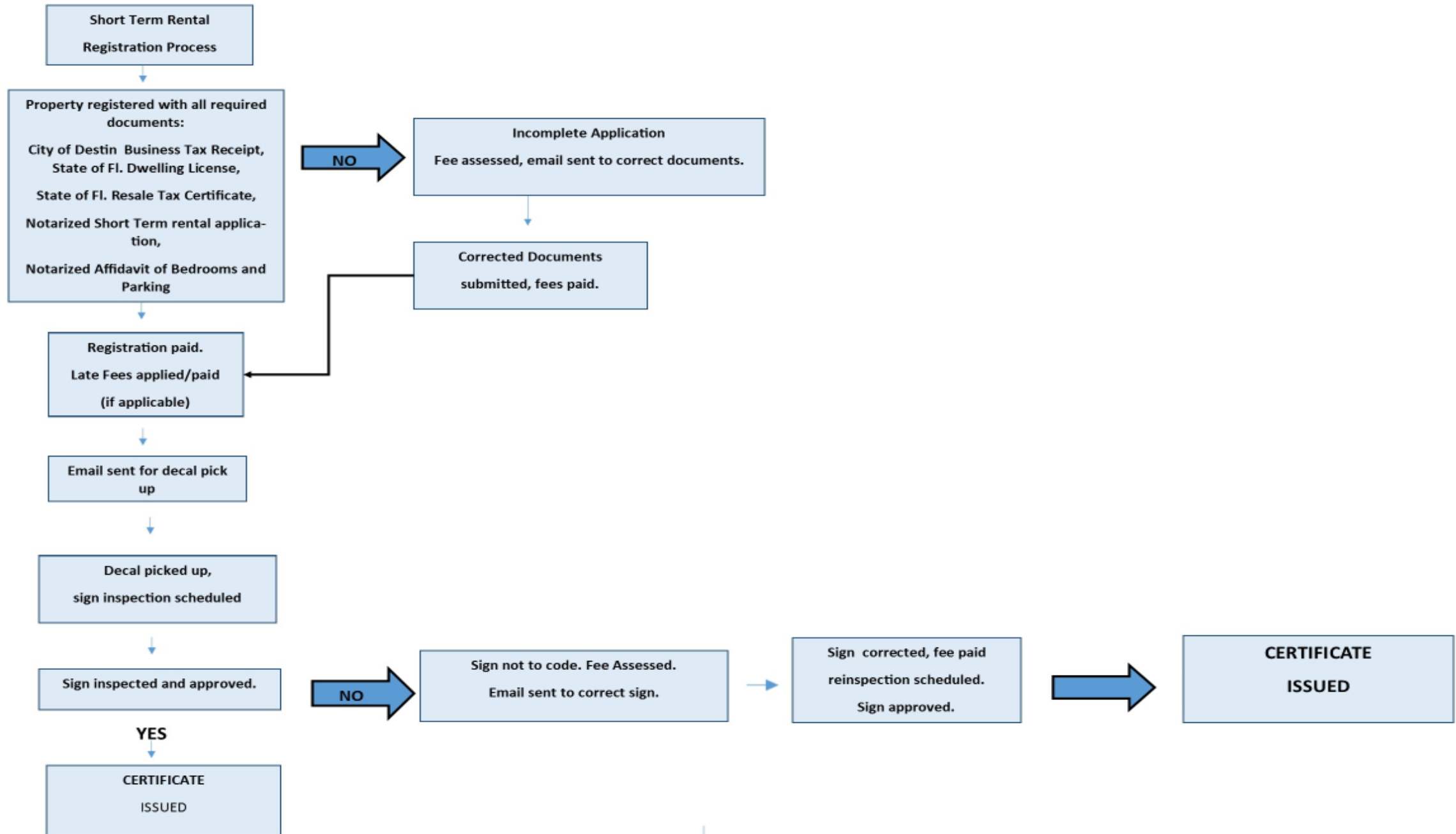
Personally known _____ OR
Produced Identification _____

_____ Seal:



City of Destin Short-Term-Rental Review 2019





Grandfather Applications

Issued-202

Modified Issued- 36

Pending Approval- 15

Denied -2

Refunded-9

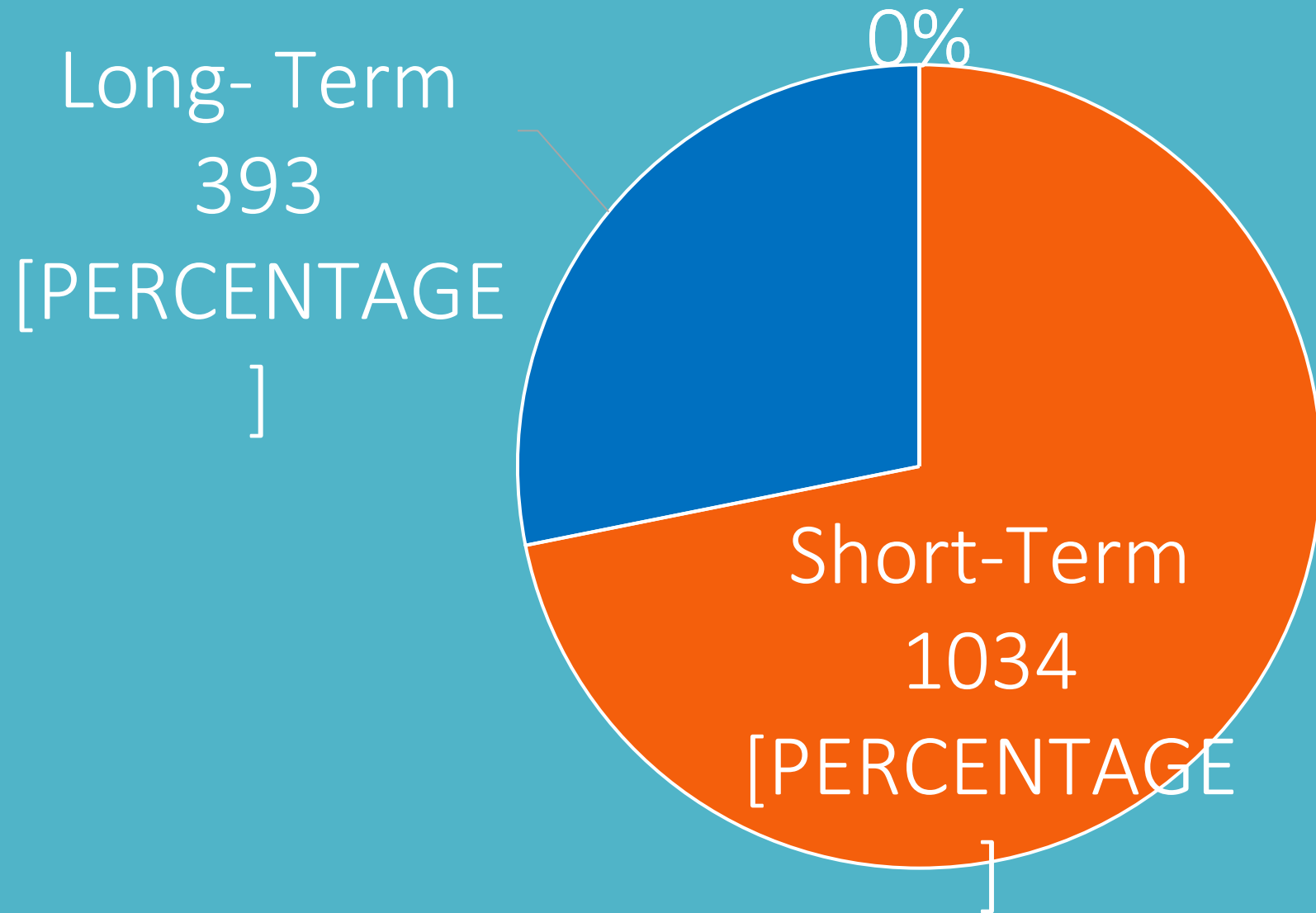
Short-Term Rental Registrations

Currently- 1034

NOVS- 24

Projected- 1058

Rental Registrations



STR NOV Compliance Rate

98.72 %

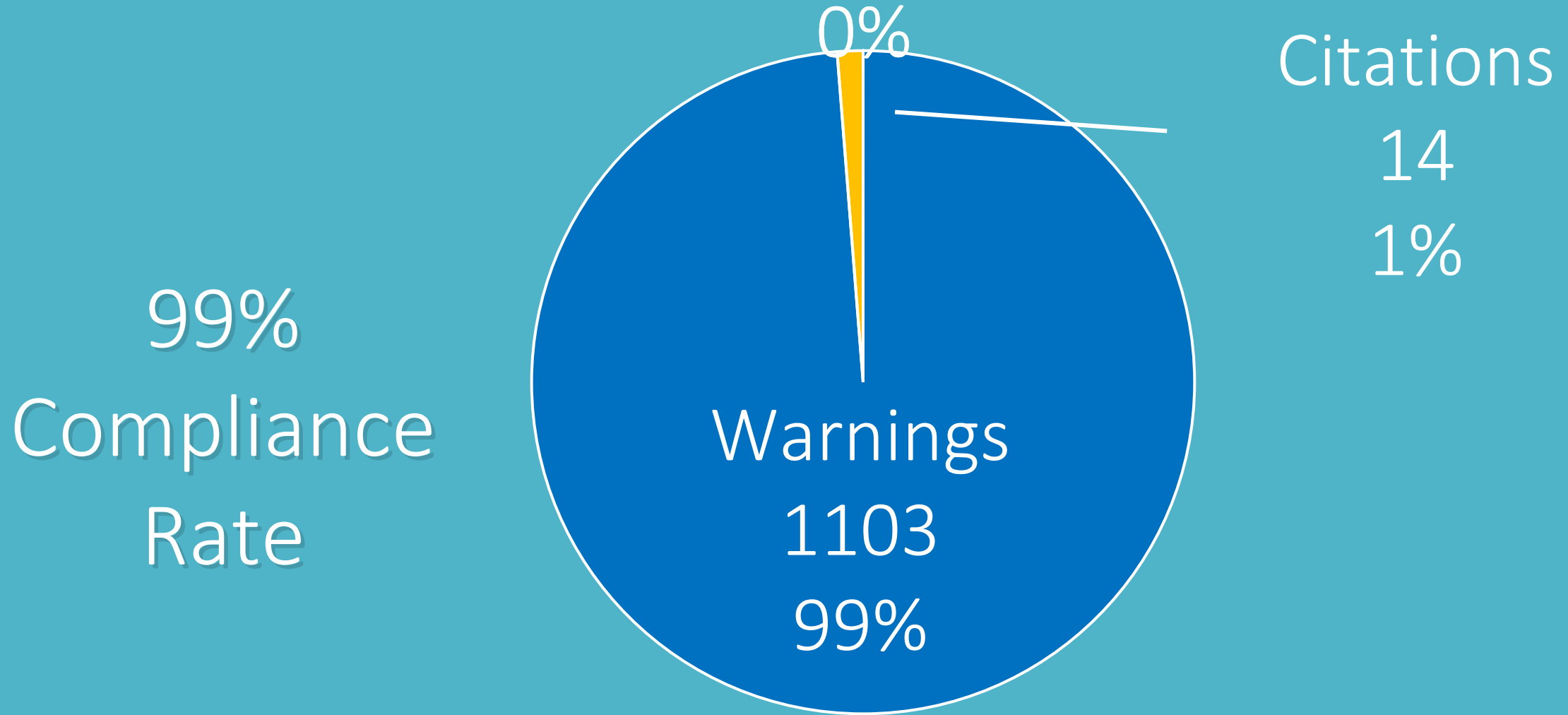
■ Notice of Violations ■ Voluntary Compliance ■ Daily Fine/Lien



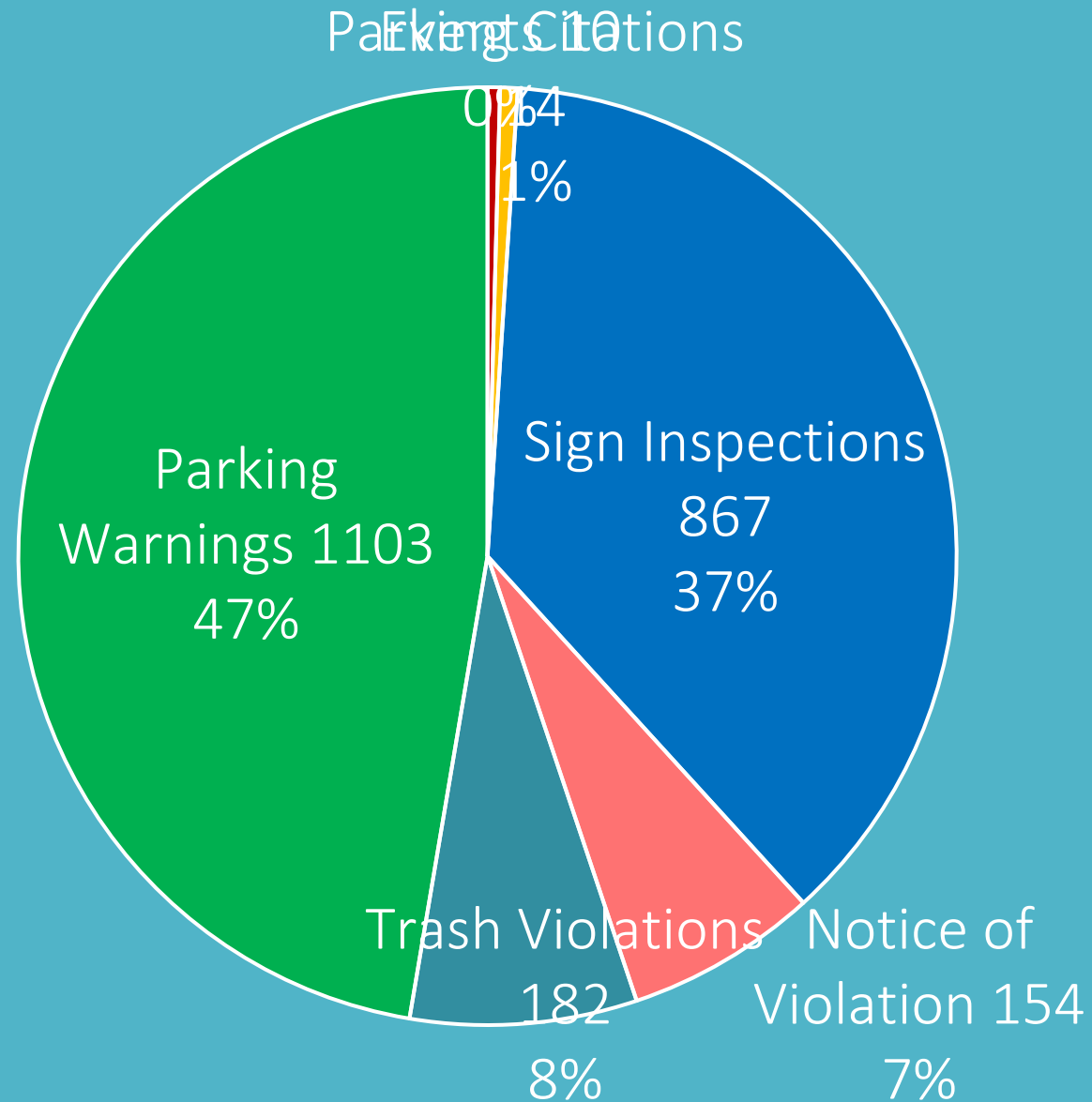
* Fiscal 2019

STR Parking Enforcement

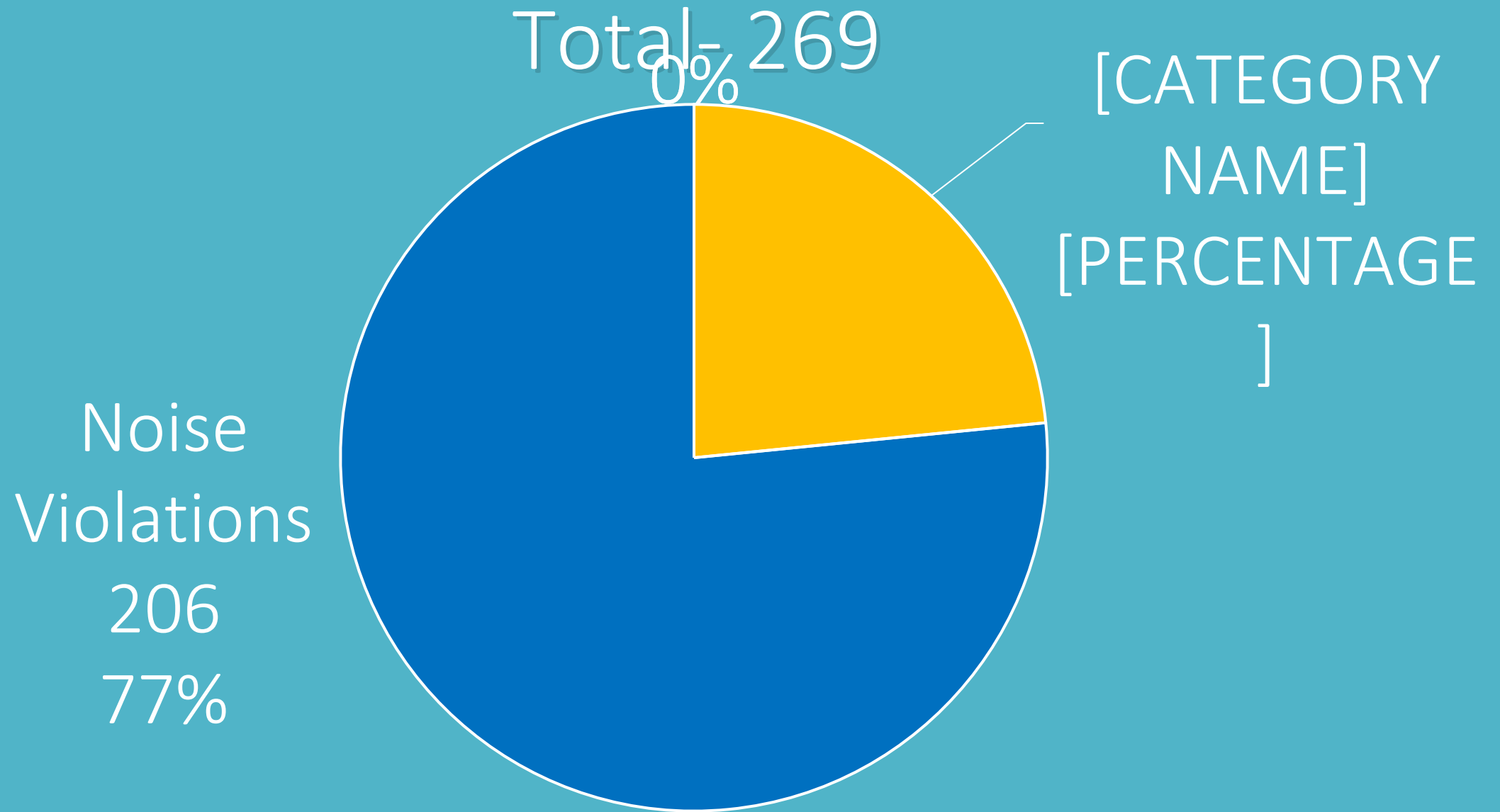
Total- 1117



STR Activities Total-2340



Sheriff's Office STR Complaints















Challenges

- Identifying Unregistered STRs
- Decal ID For Which Property
- Lost Decals
- After Hours Emergency Contacts
- Tracking Events
- Excess Trash
- Turnover Days Trash
- ID Change of Ownership/Management
- Violations of Parking

Recommendations

- Continue Search Through Websites
- Each Decal Has Registration Number assigned To Property
- Fee of \$25 For Replacement Decal
- Number Is For Contact, Not For AD, should be answered 24/7
- Evening and Weekend Shift Can Assist In Tracking Events
- Explore Properties to Acquire More Cans By Floor Or Bedrooms
- Require Properties To Have Special Pick-Up On Turnover Days
- Search Property Appraisers, Track Sign & Website Changes
- More Education Of The Guests By Management And Code Compliance