

ORDINANCE NO.: 202_ _

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA; PROVIDING FOR THE INCORPORATION OF RECITALS; CREATING ARTICLE XI OF HERNANDO COUNTY CODE CHAPTER 23, TO BE ENTITLED "SHORT-TERM RENTAL USE REGULATIONS"; REQUIRING CERTIFICATES OF USE FOR SHORT-TERM RENTAL PROPERTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Fla. Stat. Ch. 509 establishes a regulatory framework for lodging establishments, including vacation rentals and transient public lodging establishments; and,

WHEREAS, Fla. Stat. Ch. 509 defines vacation rentals as "transient public lodging establishments" that consist of "any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is rented to guests more than three times in a calendar year for periods of less than 30 days or one calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests"; and,

WHEREAS, although Fla. Stat. § 509.032 restricts local governments from enacting regulations that prohibit vacation rentals or that regulate the duration or frequency of such rentals, the statute also provides that local governments may enact new regulations on vacation rentals that do not pertain to duration and frequency; and,

WHEREAS, Strategy 1.10B(3) of Hernando County's 2040 Comprehensive Plan requires that the county "[p]rotect existing and future residential areas from encroachment of incompatible uses that are destructive to the character and integrity of the surrounding residential area"; and,

1 WHEREAS, Goal 4.01 of Hernando County's 2040 Comprehensive Plan requires the county
2 to "provide sites for adequate housing of its residents and shall ensure that residents have access to
3 safe, decent and sanitary housing that is affordable to all income levels"; and,

4 WHEREAS, Objectives 1.04B and 1.04G of the 2040 Comprehensive Plan provide that,
5 with limited exceptions, commercial uses are prohibited in residentially-designated areas, which
6 include single-family and multifamily areas, and that high density residential uses, such as hotels,
7 motels, and bed and breakfast establishments, are not generally allowed in residentially-designated
8 areas; and,

9 WHEREAS, if unregulated, vacation rentals can create negative compatibility impacts in
10 residential neighborhoods, including inappropriate commercialization and disruption of the character
11 of residential neighborhoods, excessive noise, parking that overwhelms use by local residents, and
12 accumulation of trash, as well as diminished public health, safety, and welfare; and,

13 WHEREAS, these regulations provide requirements that apply to those who wish to offer and
14 use vacation rentals in this community; and,

15 WHEREAS, to protect residential neighborhoods in the county from disruptive and
16 incompatible uses and to protect the health, safety, and welfare of the community as required by the
17 above-referenced provisions of the 2040 Comprehensive Plan, this Board of County Commissioners
18 wishes to enact regulations pertaining to vacation rentals; and,

1 WHEREAS, these regulations are designed to preserve the quiet nature and atmosphere of
2 residential areas and ensure to the county's residents the tranquility and peaceful enjoyment of their
3 neighborhoods; and,

4 WHEREAS, at the same time, these regulations seek to provide law-abiding residents the
5 opportunity to offer and use vacation rentals in an orderly manner, consistent with state and local
6 law and with neighborhood character; and,

7 WHEREAS, the county, through its existing regulatory framework, will issue certificates to
8 short-term rentals conforming to these standards, which will in turn provide a level playing field
9 amongst all providers of short-term rental units; and,

10 WHEREAS, this ordinance additionally establishes an enforcement mechanism for those
11 short-term rental properties which do not adhere to the standards on an initial or continuing basis,
12 with the overall goal of the short-term rental unit program being compliant with the standards and
13 not punitive in its scope.

14 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
15 COMMISSIONERS OF HERNANDO COUNTY:

16 **Section 1. Incorporation of Recitals.** The above-delineated recitals are incorporated into
17 this ordinance as the Board of County Commissioners' findings of fact as if they were fully set forth
18 herein.

1 **Section 2. Enactment of Short-Term Rental Use Regulations.** A new Article XI of
2 Chapter 23 of the Hernando County Code, to be entitled “Short-Term Rental Use Regulations,” is
3 hereby created to read as follows:

4 Short-Term Rental Use Regulations

5 A. Purpose. The intent of short-term rentals is to allow for an individual dwelling
6 unit to be rented to an individual or party at a lease term that is less than one month
7 while protecting the immediate vicinity from associated negative impacts. Short-term
8 rentals generally occur in residential units and mostly within residential
9 neighborhoods.

10 (1) Applicability. This section will apply to short-term rentals consisting
11 of individual dwelling units and the rental period for said unit is more than three
12 times in a calendar year for periods of less than 30 days.

13 (2) This section is not applicable to hotels or motels and bed and
14 breakfast uses, or other residential dwelling units that are rented for periods over one
15 month.

16 (3) Areas Embraced. The areas embraced by this chapter will be all lands
17 within the unincorporated area of Hernando County.

18 (4) Conflicting Terms. To the extent any Hernando County Ordinance or
19 provisions of the Hernando County Code governing short-term rentals, short-term

1 rental properties, and short-term vacation rentals conflict with the provisions of this
2 Section, the provisions of this Section will govern.

3 B. Definitions

4 The following terms as used in this article are defined as set forth hereinafter:

5 *Administrative Official* shall have the same meaning as is provided for that
6 term in Hernando County Code, Appendix A, Article V, § 1, as it may be amended.

7 *Bedroom* shall have the same meaning as is provided for the term in Fla. Stat.
8 § 381.0065(b), as that statute may be amended from time to time.

9 *Certificate of Use* shall have the same meaning as is provided for the term in
10 Hernando County Code, Appendix A, Article V, § 2, as it may be amended.

11 *Inspection* for purposes of the application of this section means an onsite
12 review of the subject property by Hernando County staff for compliance with the
13 applicable minimum life/safety requirements.

14 *Occupancy* refers to the number of adults and minors regularly present within
15 the boundary of the property.

16 *Owner* means the person or entity holding legal title to the short-term rental
17 property, as reflected in the Hernando County Tax Collector's records.

18 *Peer-to-Peer or Platform Entity* shall mean any person, service, business,
19 company, marketplace, or other entity that, for a fee or other consideration, provides

1 property owners and responsible parties a platform or means to offer vacation rentals
2 to transient occupants, whether through the internet or other means.

3 *Responsible Party* means the owner or agent, 18 years of age or older, tasked
4 with responding to requests for inspections, complaints, and other problems relating
5 to or emanating from the short-term rental of the transient public lodging
6 establishment. The responsible party must be available to respond 24 hours per day,
7 7 days per week to any issue that arises relating to the short-term rental's operation
8 and must be authorized to act on behalf of the owner to report issues of trespass to
9 law enforcement in relation to occupancy violations under this Section. There will
10 only be one designated responsible party for each short-term rental. An owner may
11 retain a private property management company to serve as the designated responsible
12 party.

13 *Short-Term Rental, Short-Term Rental Property, Vacation Rental, and*
14 *Transient Public Lodging Establishment* are terms that may be used interchangeably
15 and each of which have the same meaning as is provided for “transient public lodging
16 establishment” in Fla. Stat. § 509.013(4)(a)1, as that statute may be amended from
17 time to time.

18 *Transient Occupant* shall mean any person who rents or occupies any
19 dwelling unit or residence or part thereof for less than 30 days or one calendar month,
20 whichever is less, and any guest or invitee of such person.

1 C. Certificate of Use Required

2 (1) No property owner, responsible party, or peer-to-peer or platform
3 entity shall offer as a short-term rental, or allow any person to rent or occupy as a
4 short-term rental, any property, in whole or in part, within the unincorporated area
5 of Hernando County unless a Certificate of Use has first been obtained in accordance
6 with the provisions of this Ordinance.

7 (2) It is recognized there are agreements for short-term rentals in
8 existence at the time of the effective date of the ordinance enacting this Ordinance
9 and such agreements will be considered vested. Should any issue arise as to whether
10 a rental agreement is vested under this subsection, the owner or responsible party
11 shall provide proof of a vested rental agreement to the satisfaction of the county,
12 including providing electronic data that establishes the date on which the agreement
13 at issue was entered.

14 D. Application for Certificate of Use

15 A complete Certificate of Use application shall be submitted to the
16 administrative official pursuant to the procedures set forth in Hernando County Code,
17 Appendix A, Article V, § 2(D)(2), as they may be amended. A peer-to-peer or
18 platform entity may enter into an agreement with the administrative official whereby
19 the peer-to-peer or platform entity agrees to submit applications on behalf of

1 responsible parties. The application must be signed under oath or affirmation, and
2 shall include the following:

3 (1) The address, legal description, parcel identification number, and Key
4 number of the applicable property; and,

5 (2) Name, address, and phone number of the property owner; and,

6 (3) Name, address, and phone number of the responsible party; and,

7 (4) Name and contact information for the peer-to-peer or platform entity
8 or entities on which the vacation rental is, or will be, listed for rent, if any; and,

9 (5) Statement that the responsible party is, or will be, remitting all
10 applicable local Hernando County business and tourist taxes or that a peer-to-peer or
11 platform entity through which vacation rentals are booked will be remitting all such
12 taxes associated with the vacation rental on the responsible party's behalf; and,

13 (6) Statement that the responsible party has the permission of the property
14 owner and authority to offer the property as a vacation rental and act as the
15 responsible party; and,

16 (7) Statement as to whether the entire property, or just a part thereof (i.e.,
17 a room or rooms), will be used as a vacation rental; and,

18 (8) Statement that insurance coverage will be in effect at all times while
19 the property is being used as a vacation rental to cover liability for injury or harm to
20 transient occupants or other invitees, and acknowledging that a standard homeowner's

1 or renter's insurance policy may not necessarily provide such liability coverage while
2 the property is used as a vacation rental; and,

3 (9) Statement acknowledging that the responsible party has received
4 information explaining that using the property as a vacation rental could result in loss
5 of the Homestead Exemption, and has provided such information to the property
6 owner; and,

7 (10) Statement indicating how many times, and for how many days in all,
8 the property was used as a vacation rental within the previous calendar year; and,

9 (11) Statement acknowledging that the vacation rental must be registered
10 with the Florida Department of Revenue, or successor agency, for purposes of
11 collecting and remitting applicable state taxes and all such state taxes have been, or
12 will be, paid; and,

13 (12) Statement acknowledging that the property is, and will be at all times
14 during which it is used as a vacation rental, maintained in compliance with the
15 vacation rental standards set forth in this Ordinance.

16 E. Supporting Documentation

17 The responsible party shall maintain all required licenses, records, and other
18 documentation sufficient to demonstrate that the statements and information required
19 by subsection (D) above are true and accurate. All such licenses, records, and other

1 documentation shall be provided upon request, and failure to do so may result in the
2 denial, suspension, or revocation of the Certificate of Use.

3 F. Criteria for Granting Certificate of Use

4 The administrative official shall issue a short-term rental certificate of use if
5 the following conditions have been met:

6 (1) The application for a short-term rental certificate of use is complete,
7 and the applicant has submitted all required documents and provided all of the
8 required information. Providing false or misleading information in an application for
9 a Certificate of Use is grounds to deny or revoke the Certificate of Use.

10 (2) The administrative official, or the administrative official's designee,
11 has, after conducting an inspection of the applicable short-term rental unit,
12 determined that the unit meets the minimum life and safety requirements as required
13 by this Ordinance. Upon the issuance or renewal of a Certificate of Use, the vacation
14 rental property shall be subject to inspection to ensure compliance with all applicable
15 code requirements. At the time of such inspection, the responsible party shall provide
16 all licenses, records, and other documentation sufficient to demonstrate compliance
17 with all requirements of this section.

18 (3) The applicant has paid all required fees and if any fines or penalties
19 had been previously imposed on the applicant, property, or the short-term rental unit,
20 the fines and penalties have been paid or otherwise resolved. Payment of fees will

1 include a certificate of use fee, a portion of which will be non- refundable to initiate
2 and process an application, inspection fee(s), and an annual renewal fee. Any
3 adjustment to these fees may be made by resolution of the Board of County
4 Commissioners.

5 (4) If the short-term rental property fails its inspection, the owner will be
6 given 30 days to bring the property into compliance with the minimum life/safety
7 requirements per this Section and request a re-inspection of the property. An owner
8 may apply for an extension up to sixty (60) additional days if the owner is able to
9 demonstrate efforts toward compliance. Evidence of efforts towards compliance
10 include but are not limited to completion of a building permit filed and under review.

11 (5) The Certificate of Use shall be renewed annually. A short-term rental
12 certificate of use must be renewed prior to the end of its term by filing an application
13 for renewal at least sixty (60) days before the expiration of the certificate, pursuant
14 to the processes set forth in sub-sections (D) and (E) supra for initial applications.
15 Upon receipt of an incomplete application, the applicant will have twenty (20)
16 business days to provide all missing materials and information. If a complete
17 application is not received within the allotted time frame, the application will be
18 deemed withdrawn. If a renewal application is filed in a timely manner, the current
19 short-term rental certificate of use will remain in effect until the application for a
20 renewal certificate is approved or denied. If an application for a renewal certificate

1 of use is not filed in a timely manner, the short-term rental certificate will expire, and
2 the short-term rental unit will not be offered for rent or rented. The administrative
3 official may not renew a certificate of use if there are any outstanding code
4 enforcement fines or liens on the applicable property.

5 (6) The administrative official shall have the discretion to request any
6 additional information required to demonstrate compliance with all state laws and
7 county ordinances.

8 (7) A short-term rental certificate of use may not be transferred upon
9 change of ownership. Certificates of use are non-transferable and non-assignable. The
10 certificate of use when issued will pertain only to the property owner designated on
11 the certificate of use for use at the one (1) specific property identified on the
12 certificate of use. A separate certificate of use is required for the same property owner
13 to operate a short-term rental at another location. A new certificate of use is required
14 if ownership of the short-term rental changes from the owner(s) identified on the
15 certificate, including purchase or acquisition of the assets of a legal entity identified
16 as the owner on the certificate of use. When a short-term rental is sold or ownership
17 is otherwise transferred, the new owner will apply for an initial certificate of use
18 within thirty (30) days from the date of the sale or transfer and will obtain a new
19 initial certificate of use. If the new owner fails to apply for a new certificate of use
20 as provided in this section, any certificate of use previously issued for that short-term

1 rental will be null and void on the thirtieth (30) day after such sale or transfer. An
2 inspection of the short-term rental pursuant to the minimum life/safety requirements
3 per this Section is required whenever a new owner applies for an initial certificate of
4 use due to the sale of a short-term rental or a change of ownership not involving a
5 sale.

6 (8) Failure to complete the application process including a satisfactory
7 inspection within thirty (30) days after the initial inspection constitutes a violation
8 of this section, and the administrative official will be authorized to deny the
9 application.

10 (9) The administrative official shall provide a copy of each certificate of
11 use issued for a short-term rental to the Hernando County Property Appraiser's Office
12 to ensure proper treatment of property tax exemptions and valuation.

13 G. Standards for Short-Term Rentals

14 (1) All short-term rental units, whether single-family homes, duplexes,
15 condominium units, three- or four-unit complexes, or multiple family complexes,
16 must meet all applicable minimum life/safety requirements, including but not limited
17 to the Florida Building Code, the Florida Fire Prevention Code, National Fire
18 Protection Association (NFPA) 101, the Residential Swimming Pool Safety Act, Fla.
19 Stat. Chapter 515, the Hernando County Property Maintenance Ordinance, Hernando
20 County Code Chapter 15, Article V, the Hernando County Mosquito and Other

1 Pestiferous Arthropod Control Ordinance, Hernando County Code Chapter 15,
2 Article IX, the Hernando County Building Code, Hernando County Code Chapter 8,
3 and the Flood Damage Prevention and Protection Ordinance, Hernando County Code
4 Chapter 13, as each may be subsequently amended.

5 (2) Maximum Occupancy. Maximum occupancy shall be no more than
6 two persons per bedroom plus two persons in one common area, not to exceed more
7 than ten persons total per unit, whichever is less.

8 (3) Parking. A minimum of one off-street parking space will be provided
9 for every three occupants. The number of parking spaces shall be rounded up to the
10 next whole number. Garage spaces count towards minimum requirement if available
11 to the occupant(s). Front lawn parking does not count towards the minimum
12 requirement.

13 (4) Posting of Certificate of Use. Whenever a property is being used as
14 a short-term rental, the Certificate of Use required by this section shall be available
15 in a conspicuous location that is clearly visible to guests within the vacation rental
16 and shall include, at a minimum, the name, address, and phone number of the
17 responsible party and the maximum occupancy of the vacation rental.

18 (5) Noise. All transient occupants shall abide by the Hernando County
19 Noise Control Ordinance, Hernando County Code § 21-132, *et seq.*, which prohibits
20 unreasonably loud, excessive, unnecessary, or unusual noise.

1 (6) Public Nuisance. The responsible party and all transient occupants
2 shall abide by all applicable state and local public nuisance laws and ordinances,
3 including, but not limited to, Fla. Stat. §§ 823.01, 823.05 and 823.10 which prohibits
4 any place or premises from being used as public nuisance, the site for the unlawful
5 sale or delivery of controlled substances, prostitution, youth and street gang activity,
6 gambling, illegal sale or consumption of alcoholic beverages, or lewd or lascivious
7 behavior that adversely affects the public health, safety, morals, and welfare.

8 (7) Compliance with applicable laws. In addition to the foregoing, the
9 responsible party and all transient occupants shall comply with all other applicable
10 local, state, and federal laws, regulations, rules, and standards, including, but not
11 limited to, those pertaining to anti-discrimination, disability, and fair housing to the
12 extent applicable.

13 (8) Short-term rentals are restricted to the primary dwelling unit of the
14 parcel. The use of accessory structures or non-dwelling units (e.g., RVs, sheds, barns,
15 etc.) for short-term rental purposes is prohibited.

16 H. Responsible Parties

17 Responsible parties will be available in a reasonable time, such time being no
18 less than 24 hours, to respond to inspections, emergencies, complaints, or other
19 problems related to the short-term rental property. The duties of the short-term rental
20 responsible party are to:

1 (1) Be available by telephone at the posted phone number to handle any
2 issues arising from the short-term rental use; and,

3 (2) Respond to the short-term rental unit following notification from an
4 occupant, owner, law enforcement, or county official to address issues related to the
5 short-term rental; and,

6 (3) Inquire prior to check-in through a written question in the short-term
7 rental reservation application if any guest of a short-term rental is a sexual offender
8 or predator as defined in Fla. Stat. §§ 775.21, 943.0435, 944.607, or 985.4815, as
9 they may be amended from time to time. If any guest of a short-term rental responds
10 that he or she is a sexual offender or predator, the short-term rental responsible party
11 shall immediately notify the Hernando County Sheriff's Department; and,

12 (4) Receive service of any legal notice on behalf of the owner for
13 violations of this section; and,

14 (5) Otherwise regularly monitor the short-term rental unit to assure
15 compliance with the requirements of this section;

16 (6) An owner of a short-term rental may designate a responsible party to
17 manage the unit on their behalf. The administrative official will provide a form for
18 such purpose which must be completed, notarized, and submitted to the
19 administrative official. The responsible party must accept the designations on a form
20 provided by the administrative official. The designation of a responsible party does

1 not relieve the owner of the responsibility to comply with all the state and local
2 statutes and ordinances; and,

3 (7) Any person who accepts a designation to act on behalf of a short-term
4 rental property owner and is designated as the responsible party is subject to the same
5 compliance standards and applicable penalties; and,

6 (8) A short-term rental property owner can withdraw a responsible party
7 authorization by submitting a new, properly executed authorization to the county.
8 The administrative official may rely on the latest form it has of the owner's intent.

9 I. Appeal to Governing Body

10 An aggrieved party may appeal a decision made by the administrative official
11 with regard to his or her administration of this ordinance to the Board of County
12 Commissioners pursuant to the procedures set forth in Hernando County Code,
13 Appendix A, Article V, § 3(F)(1), as they may be amended.

14 J. Enforcement

15 (1) If necessary, the governing body, or any appropriate official of the
16 governing body, may institute appropriate action in a court of competent jurisdiction
17 to enjoin any violation of this Ordinance.

18 (2) In addition, any violation hereunder may be prosecuted as described
19 in Chapter 2 (Administration), Article III (Code Enforcement), of the Hernando
20 County Code of Ordinances, as amended or renumbered from time to time.

1 **Section 3. Severability.** It is declared to be the intent of the Board of County
2 Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this
3 ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the
4 validity of the remaining portions of this ordinance.

5 **Section 4. Inclusion in the Code.** It is the intention of the Board of County Commissioners
6 of Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance shall
7 become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end, the
8 sections of this Ordinance may be renumbered or relettered to accomplish such intention, and that
9 the word “ordinance” may be changed to “section,” “article,” or any other appropriate designation.

10 **Section 5. Conflicting Provisions Repealed.** All ordinances or parts of ordinances in
11 conflict with the provisions of this ordinance are hereby repealed.

12 **Section 6. Effective Date.** This ordinance shall take effect immediately upon receipt of
13 official acknowledgment from the office of the Secretary of State of Florida that this ordinance has
14 been filed with said office.

15 **(The Remainder of this Page Has Been Intentionally Left Blank)**

Attest: _____ By: _____
DOUG CHORVAT, JR. JERRY CAMPBELL
Clerk Chairman

Jon Jouben
County Attorney's Office