

ORDINANCE 2181

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT WALTON BEACH, FLORIDA; PROVIDING FOR AUTHORITY; CREATING SECTION 8.13 OF THE CODE OF ORDINANCES, ENTITLED SHORT-TERM VACATION RENTAL REQUIREMENTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WALTON BEACH, FLORIDA, AS FOLLOWS:

SECTION 1. AUTHORITY AND INTENT

The authority for enactment of this ordinance is pursuant to the powers vested in the City by Home Rule Authority of Section 166.021(1) of the Florida Statutes, the provisions of Chapter 162 of the Florida Statutes, and the City Charter.

SECTION 2. FINDINGS OF FACT.

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

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

WHEREAS, short-term vacation rentals are presently located within the residential zoning districts of the City of Fort Walton Beach; and

WHEREAS, the City Council has received numerous public comments over the last 5 years, at duly noticed City Council meetings, regarding the negative impact that under-regulated disruptive short-term vacation rentals have on the peace and tranquility of the City's single-family residential neighborhoods;

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

WHEREAS, permanent residents within established residential neighborhoods deserve the right to tranquility and peaceful enjoyment of their home without over intrusion by an excessive number of transient occupants in the neighborhood; 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, excessive trash, increased parking issues and traffic congestion caused by transient occupants of short-term rentals; and

WHEREAS, according to most recent U.S. Census data, the City of Fort Walton Beach has an average household size of 2.35 persons; and

WHEREAS, the operation of some short-term vacation rentals in established neighborhoods in the City creates a huge disparity in short-term vacation rental impacts, with certain properties being marketed to host up to eighteen (18) times the average occupancy of an existing single-family residence, making the higher occupancy of the rental homes incompatible with established single-family residential neighborhoods; and

WHEREAS, permanent 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 vacation 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 short-term 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, utility usage by short-term vacation rentals may exceed the usage levels anticipated at the time of initial permitting as a single-family residence, creating a disparity between the connection fees or mitigation fees paid and the system impacts caused by their increased demand; and

WHEREAS, the City desires to encourage short-term vacation rentals that are safe, appropriate with the character of single-family residential neighborhoods, provide positive impacts for tourism, increase property values, and achieve greater neighborhood compatibility; and

WHEREAS, the City seeks to balance respect for private property rights and incompatibility concerns between the investors/short-term vacation rentals and families/permanent single-family residences in established residential neighborhoods through the use of reasonable development standards; and

WHEREAS, these regulations are deemed necessary by the City Council to preserve property values and to protect the health, safety, and general welfare of permanent residents, lot/parcel owners, investors and transient occupants and visitors alike; and

WHEREAS, the application of minimum life/safety requirements to short-term vacation rentals, along with other minimum standards and requirements concerning issues such as the designation of responsible parties ensures that transient occupants are provided with a similar level of protection to that of hotels, motels, and other similar lodging establishments; and

WHEREAS, because of the high occupancy and transient nature of occupants within many short-term vacation rentals, fire safety also becomes important; and

WHEREAS, site-specific short-term vacation rental standards, like minimum parking standards, solid waste handling and containment, and compliance with ordinances regulating noise, serve to maintain the decorum that exists among owners in established neighborhoods, and are better effectuated by having these same standards conveyed to transient occupants through the duration of their rental; and

WHEREAS, short-term vacation rentals operate as commercial enterprises, subject to additional regulatory requirements beyond those normally required of residential structures, including business licensing by the State of Florida Department of Business and Professional Regulation's Division of Hotels and Restaurants, obtaining a local business tax receipt, and collecting and remitting various sales taxes, and TDT taxes to state and local government; and

WHEREAS, a short-term vacation rental is a commercial lodging activity; and

WHEREAS, some short-term vacation rentals in the City are being used exclusively as rentals by investors/owners; and

WHEREAS, this ordinance additionally establishes an enforcement mechanism for those short-term vacation rentals which do not adhere to the standards on an initial or continuing basis, with the overall goal being compliance with the standards and not punitive action; and

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

WHEREAS, the City Council has studied this issue, reviewed regulations adopted by other jurisdictions in Florida, obtained input from the public and stakeholders, received public comment at numerous 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, parking requirements, and safety requirements for short-term vacation 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.

SECTION 3. CREATING SECTION 8.13 OF THE FORT WALTON BEACH CODE OF ORDINANCES TITLED REGISTRATION OF SHORT-TERM VACATION RENTALS

8.13. REGISTRATION OF SHORT-TERM VACATION RENTALS

8.13.01. Purpose.

The City Council of the City of Fort Walton Beach recognizes that the under-regulated rental of short-term vacation rentals by seasonal residents, transient residents, and tourists uniquely impacts the citizens living and residing in the residential neighborhoods within the City of Fort Walton Beach. 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 Fort Walton Beach to mitigate impacts created by such rental of single-family dwelling units within the City of Fort Walton Beach as set forth by this article.

8.13.02. Definitions.

For the purpose of this article, the following terms, phrases, words, abbreviations, and their derivations shall have the meaning given herein. When consistent 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 suggestive. Words not defined shall be given their meaning as provided in Chapter 1, Section 1.02 Rules of Construction and Definitions, of the City of Fort Walton Beach Code of Ordinances.

Advertising means any form of communication for marketing that is used to encourage, persuade or manipulate viewers, readers or listeners into contracting for goods and/or services as may be viewed through various media, including, but not limited to, newspapers, magazines, flyers, handbills, television commercials, radio, signage, direct mail, websites, emails, or text messages.

Charter Bus Service: As defined in section 6.06.01 of the City of Fort Walton Beach Code of Ordinances a Charter Bus Service is a type of service where buses are rented by individuals or organizations for exclusive private use. Unlike an Intercity Common Carrier Bus Service, which follows specific routes with set schedules, a Charter Bus Service is hired for specific trips.

Commercial special events: Any wedding or wedding reception, spring break party, bachelor party, family reunion, class reunion, company banquet, company retreat and/or company picnic, or other similar event or celebration for which a property owner, property owner's agent, or occupant of the property obtains a profit, monetary compensation, event fee, or other commercial gain. Commercial special events are commercial uses, as defined herein.

- a. The holding of two or more weddings or wedding receptions at the premises within any given 12-month period is prima facie evidence that the events are commercial special events or

- b. The holding of two or more company banquets, retreats, and/or picnic at the premises within any given 12-month period is prima facie evidence that such events are commercial special events.

Commercial special event venue: Any building, structure or land that is used or occupied for one or more commercial special events within a year. The advertising of a building, structure or land for commercial special events is prima facie evidence that the building, structure, or land is a commercial special event venue.

Commercial uses: Activities within land areas, which are predominantly connected with the sale, rental and distribution of products, or performance of services. Evidence that a property owner or authorized occupant of a property owner has obtained a profit, monetary compensation, event fee, in-kind exchange, or other commercial gain by the property owner's (or property owner's authorized agent's or occupant's) use of the building, structure or land is prima facie evidence that this definition has been met, and the use of the building, structure or land is a commercial use. Home occupations operating in compliance with section 559.955, Florida Statutes, are specifically excluded from this definition.

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.

Local responsible party shall have the same definition as Responsible party below.

Maximum occupancy. For the purpose of this definition, a person shall mean any individual over the age of five years. The maximum overnight occupancy of seasonal residents or transient occupants located on a lot hosting a short-term vacation rental, located within the R-1, R1E, or R2 zoning districts shall be stated in the short-term vacation rental registration form, and shall be limited to the lesser occupancy of the following three (3) options:

- a. 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
- b. A total of twenty-four (24) persons per short-term vacation 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 platted lot, whichever is less.

Noise means any sound not in compliance with Chapter 9.06, Fort Walton Beach Code of Ordinances.

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

Repeat violation refers to a violation of a provision of a code or ordinance by a person who has been previously found through the special magistrate or any other quasi-judicial or judicial process, to have violated or who has admitted violating the same provision within five years prior to the violation, notwithstanding the violations occur at different locations.

Residency shall mean a person's true, fixed location of bona fide domicile. It is the place a person intends to remain and return to when one leaves without intending to establish domicile elsewhere. Residency for the purpose of this article may only be demonstrated by the address listed on a Florida state-issued driver's license or a Florida state-issued identification card.

Residential zoning districts, for purposes of this article, shall include the following zoning districts R-1, R1E, and R2 zoning districts

Responsible party shall mean an owner, management company, or individual identified by the property owner as the person responsible to receive any complaints about the unit and to respond in the manner required by this article, and who 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.

Responsible person shall have the same definition as responsible party above.

Seasonal resident shall mean people, guests, tourists, lessees, vacationers, or others who lease or rent a short-term vacation rental for valuable consideration.

Short-term vacation dwelling means the same as short-term vacation rental below.

Short-term vacation rental Means a transient public lodging establishment as defined in s. 509.013, F.S., which is single family, two-family, three-family, or four-family house or dwelling, recreational vehicle, or mobile home. The term encompasses the entire lot whether or not the entire lot is offered for rental.

Short-term vacation rental business means (1) the individual, individuals, entity, or entities who own fee-simple title to the real property underlying the Short-term vacation rental, (2) the responsible party or responsible person as defined herein. If the short-term vacation rental business is owned by an entity, then the definition of short-term vacation rental business shall also apply to the shareholders, members, partners, or officers of the entity.

Single-family dwelling unit 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.

Transient occupant shall mean the same as seasonal resident.

Vehicle means any vehicle or conveyance which is designed to travel along the ground or water. The term "vehicle" includes, but is not limited to, automobiles, buses, mopeds, motorcycles, trucks, tractors, trailers, go-carts, golf carts, motor homes, boats, watercraft, and recreational vehicles.

Violation means any violation of any provision of the Code, or any provision of local, state, or federal law or regulation for which the city has enforcement responsibility and/or authority. All definitions contained in the city's Code of Ordinances shall apply to this article; however, in the event of any conflict, the more stringent shall prevail.

Violator means the person or entity, natural or otherwise, in violation of those portions of the city's Code of Ordinances which are within the jurisdiction of the special magistrate. The term "violator" shall include each of the following: the owner of the property where the violation exists; the person in immediate control of the property where the violation exists, such as tenant or current resident; the person or entity that manages the property where the violation exists, such as a property management company or landlord, if separate from the owner; or manager or person in charge of the property where the violation exists. Multiple violators may be cited for a single violation. Any violation that is enforced against a violator as set forth in this section does not preclude the enforcement of the same violation against other violators.

8.13.03. Registration, and Decal 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 Fort Walton Beach or offer such rental services within the City of Fort Walton Beach, unless the person has registered with the City of Fort Walton Beach in accordance with the provisions of this article. Once registration is complete, the applicant will receive a city-issued annual decal which must be displayed in a conspicuous location at the front of the rental property.

8.13.04. 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. Processing for incomplete applications will not be finalized until the application is completed in its entirety.

8.13.05. Application for registration.

Applications for registration shall include:

- (1) Address of the 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 the responsible party who shall reside within thirty (30) miles of said single-family dwelling unit. The contact number shall be a twenty-four (24) hour, seven (7) days a week contact number, and correct violations associated with the single-family dwelling unit including but not limited to authority to remove or evict tenant(s).
- (5) Acknowledgement signed by the owner or agent of the owner, understanding, and agreeing to the initial and on-going compliance with the City of Fort Walton Beach's short-term vacation 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.
- (6) Valid and current City of Fort Walton Beach Business Tax Receipt.
- (7) 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.
- (8) A non-refundable registration fee. Applications submitted without a registration fee will be deemed incomplete.

8.13.06. 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 pursuant to section 8.13.05 above, 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 Fort Walton Beach 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 Fort Walton Beach 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) Be familiar with the city's short-term vacation rental regulations and provide acknowledgement that the applicant will comply with the city's regulations for short-term vacation rentals at the time of registration.
- (5) 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.
- (6) 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.

8.13.07. General regulations/standards.

The following standards shall govern the use of any short-term vacation rental as a permitted use:

- (1) *On-Site Parking Standard for Short-Term Vacation Rentals.* It is a violation of this article for the transient occupants or seasonal residents of a short-term vacation rental to park vehicles on any unimproved or pervious areas located at the short-term vacation rental, and on any public right-of-ways, sidewalks, or public streets within the City of Fort Walton Beach. The lot on which the short-term vacation rental is located must provide sufficient on-site parking at all times to accommodate maximum occupancy, as calculated above in subsection (1), and as stated on the short-term vacation rental registration form. At least one space per two point five transient occupants or seasonal residents (1 parking space per 2.5 transient occupants or seasonal residents) shall be provided, ensuring that sufficient on-site parking is always available as if the short-term vacation rental were fully occupied, up to the maximum occupancy stated on the short-term vacation rental registration form.
 - a. Garage spaces shall only count if the space is open and available, and the transient occupants are given vehicular access to the garage. Failure to keep garage areas usable for vehicular parking if counted towards meeting the requirement shall result in a Code violation.
 - b. On-street parking shall not be permitted within public rights-of-way including all paved and unpaved areas adjacent to the roadways, and the roadways themselves.
 - c. On-site parking shall not be permitted in areas not otherwise permitted for on-site parking spaces.

d. Golf cart, LSV, RVs, and trailer parking by transient occupants or seasonal residents of a short-term vacation rental shall not be permitted within public rights-of-way including all paved and unpaved areas adjacent to the roadways, and the roadways themselves. Golf carts, LSVs, RVs, and trailers must be parked in parking designated towards achieving the required on-site minimum.

(2) Minimum Life/Safety Requirements for Short-Term Vacation Rentals:

a. Swimming Pool, Spa and Hot Tub Safety. A swimming pool, spa or hot tub shall comply with the current standards of the Residential Swimming Pool Safety Act, F.S. ch. 515.

b. Sleeping Rooms. All sleeping rooms shall meet the single-family and two-family dwelling minimum requirements of the Florida Building Code.

c. Automatic Smoke Detection Requirements. All short-term vacation rental units are required to meet the requirements of Chapter 69A-43, F.A.C.

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

e. Battery-Powered Emergency Lighting of Primary Exit. Battery powered emergency lighting which provides illumination automatically in the event of any interruption of normal lighting shall be provided for a period of not less than one hour to illuminate the primary exit. For purposes of this requirement, short-term vacation rentals with short-term vacation rental certificates issued prior to the enactment of the ordinance providing for the codification of this standard shall have a period of six months to demonstrate compliance with the emergency lighting standard either through affidavit or inspection.

(3) Noise. It shall be unlawful to allow or make any noise or sound which exceed the limits set forth in Chapter 9, Section 9.06 of the Fort Walton Beach Code of Ordinances;

(4) Docks/Boat Slips. Commercial uses of docks appurtenant to any lots located with areas of the City zoned R1, R1E, or R2 are not permitted. At the time of registering, or renewing a short-term vacation rental with the City, any applicant offering dock usage or boat slips as an amenity to the transient occupants or seasonal residents occupying the short-term rental property (whether free of charge, or as an additional cost to the transient occupants or seasonal residents) shall provide proof that both the intensity of the use and the dock size are approved by the Florida Department of Environmental Protection (FDEP). If the

FDEP requires a dock located at a short-term vacation rental to operate pursuant to a lease as detailed in section 253.0347, Florida Statutes, then the applicant shall provide a copy of the submerged land lease to the City and shall also provide proof that all lease payments to the State of Florida are current.

- (5) Waste/Garbage. No garbage container shall be located at the curb for pickup before 7:00 p.m. of the day prior to pick up, and garbage container shall be removed before 7:00 p.m. day of pickup. In addition to regular garbage services, the owner shall be required to obtain from the City one (1) trash can for every four (4) occupants that the short-term rental vacation property is permitted to host (for example a property operating under the maximum allowable number of 24 occupants must have six (6) trash cans), and to acquire special valet garbage service in order to ensure all garbage is properly contained and removed, but such private valet garbage service shall not excuse continuing to accept and pay for regular waste services.
- (6) 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 or directed by the owner, lessee, or responsible party, to depart the single-family dwelling unit and refuses to do so, commits the offense of trespass in a structure or conveyance;
- (7) 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;
- (8) Before the hours of 7:00 a.m. or after 10:00 p.m., the occupancy load of the short-term vacation rental unit may not exceed the maximum occupancy allowed number of overnight tenants.
- (9) Reasonable verification must be given to the designated local responsible party in accordance with section 8.13.06 of this article within thirty-six (36) hours of rental guest arrival to confirm compliance with the maximum overnight occupancy requirement.
- (10) All marketing and/or advertising for short-term vacation rental units must contain (i) information concerning the maximum occupancy limit of the short-term vacation 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. All advertising shall include the City issued short-term vacation Rental certificate Number as well any County or State issued TDT Registration Number.

(11) Minimum provisions for short-term vacation rental agreements: Short-term vacation rentals shall be rented, leased, or occupied pursuant to a written rental agreement which contains, at a minimum, the following information:

- a. Maximum occupancy of the short-term vacation rental that is consistent with the short-term vacation rental registration.
- b. The maximum number of vehicles that will be allowed to park at the short-term vacation rental. Such number of vehicles shall not exceed the number of legal parking spaces that the short-term vacation rental owner can show are available to the short-term vacation rental.
- c. A statement that all occupants must promptly evacuate from the short-term vacation rental upon posting of any evacuation order issued by state or local authorities.

8.13.08. Registration Fee.

The City of Fort Walton Beach 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 Fort Walton Beach. If a property owner fails to register their short-term vacation 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 vacation rental unit within thirty (30) days of receipt of the notice to register, the property owner is subject to code enforcement proceedings.

8.13.09. 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.

8.13.10. Renewals and expiration of registration.

All short-term vacation 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 registration applications must meet the requirements of 8.13.05 of this article. Short-term vacation rental registration renewals may be renewed between January 1 and the last calendar day of February of each year. Short-term vacation rental registrations are due on or before the last calendar day of February of each year; any such renewal registration received after the last calendar day of February of each year is considered late and is subject to a late fee to be set by the City Council annually in the City's Fee Schedule, until the renewal registration application is submitted to the City, 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.

8.13.11. 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.

8.13.12. Territory embraced.

The provisions of this article shall apply within the City of Fort Walton Beach.

8.13.13 Prohibition on advertising for special events in residential zoning districts.

Advertising for special events (including but not limited to weddings or wedding receptions, spring break parties, bachelor parties, family reunions, class reunions, company banquets, company retreats and/or company picnics, or other similar event or celebration) in a residential area and/or residential zoning district is prohibited.

8.13.14 Commercial special events prohibited in residential areas.

Commercial special events are prohibited in all residential zoning districts.

8.13.15. Charter Bus Services Prohibited.

No Short Term Vacation Rental Business shall permit any Charter Bus Services to provide transportation to or from any Short-Term Vacation Rental Property. The owner, operator, or responsible person of a Short-Term Vacation Rental Property is charged with the duty, and shall be responsible for informing all tenants, guests, and occupants of the Short-Term Vacation Rental Property that Charter Bus Services are not permitted to transport individuals to or from the property. A Short Term Rental Business that violates this section, either by directly permitting Charter Bus Services or by failing to notify tenants of the restriction, shall be subject to penalties as outlined in section 8.13.20.

8.13.16. Exemption for pre-existing agreements.

Notwithstanding any other provision of this ordinance, rental agreements with prospective occupants for short-term vacation rental units, or contracts for commercial special events at a short-term vacation rental unit, that were pre-existing as of the enactment of the effective date of the ordinance enacting this section, (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 vacation 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 vacation rental unit is occupied under the terms of a pre-existing agreement, the short-term vacation rental owner may defend such violation based on the fact that the short-term vacation 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 vacation 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 Fort Walton Beach 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.

8.13.17. Grandfathering.

(1) Notwithstanding the above, the owner (or authorized agent) of a short-term vacation rental that either (a) has a pending development order application as of the effective date of this ordinance, or (b) has a structure that has been used as a short-term vacation rental as of the effective date of this ordinance, 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 vacation rentals that have an occupancy of twenty-four (24) or less, and that otherwise comply with the occupancy restrictions set forth in this article, will not require grandfathering to maintain that occupancy.

- a. The short-term vacation 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:
 - i. The use as a short-term vacation rental was existing and legally established as of the effective date of the ordinance adopting and creating Chapter 8.13.
 - ii. The number of bedrooms in the short-term vacation rental was existing and legally established as of the effective date of the ordinance adopting and creating Chapter 8.13. The number of bedrooms shall be based upon the property appraiser's residential profile of the property, and other documents of record, as needed.
 - iii. The short-term vacation rental must be registered with the city and must be in compliance with all applicable City of Fort Walton Beach 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 attorney. If city staff determines that all of the criteria set forth in the above subsection are met, staff shall confirm the requested occupancy of such short-term vacation rental. If all of the criteria are not met, then the City of Fort Walton Beach 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 to all owners of property located within three hundred (300) 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 vacation rental, but not later than August 1, 2025. 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 vacation rental has been registered, but a final determination as to the occupancy level based upon grandfathering has not yet been made, such short-term vacation 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 the city staff determines that any information supplied to the City of Fort Walton Beach 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 Fort Walton Beach 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 vacation 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 vacation 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 vacation 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.

8.13.18. Enforcement.

The provisions of this article shall be enforced as provided under the Code Ordinances of the City of Fort Walton Beach, 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.

(2) Civil citation: The Fort Walton Beach Police Department, City Code Enforcement division, or any other duly authorized officer or authority, may enforce the terms of this article through issuance of civil citation.

(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 Fort Walton Beach Ordinance, or any state law. Such denial, revocation or suspension is in addition to any penalty provided herein.

(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.

(5) Civil Remedies: 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 Fort Walton Beach 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.

SECTION 4. SEVERABILITY

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

SECTION 5. EFFECTIVE DATE

This ordinance shall take effect immediately upon approval on second reading by City Council and signature of the Mayor.

Adopted: April 22, 2025

Additions are underlined; deletions are stricken.