

1 not limited to on-street parking and diminished public safety; and

2
3 **WHEREAS**, the Board desires short-term vacation rentals that are safe, fit in with
4 the character of the community, provide positive impacts for tourism, increase property
5 values, and achieve greater neighborhood compatibility; and

6
7 **WHEREAS**, these regulations are deemed necessary by the Board to preserve
8 the County's aesthetic and property values while also protecting the health, safety and
9 general welfare of permanent residents, lot/parcel owners, investors and transient
10 occupants and visitors alike; and

11
12 **WHEREAS**, these regulations are being promulgated by the Board to supplement,
13 but not to replace, any existing federal or state law or regulation, or other controls within
14 establishes residential neighborhoods served by a homeowner or condominium
15 association; and

16
17 **WHEREAS**, these regulations do not regulate duration or frequency of rentals, but
18 are intended to address the frequent change of many transient occupants housed within
19 a dwelling within an established residential neighborhood; and

20
21 **WHEREAS**, the application of minimum life/safety requirements to short-term
22 vacation rentals, along with other minimum standards and requirements concerning
23 issues such as the designation of responsible parties ensures that transient occupants
24 are provided with a similar level of protection as is required by the current statutes and
25 codes for residences utilized as hotels, motels and other similar lodging establishments;
26 and

27
28 **WHEREAS**, the Board finds that adoption of this ordinance is consistent with its
29 police powers and will protect the public health, safety, and welfare of the residents of the
30 County, and is consistent with, furthers and implements the purposes, goals, policies, and
31 objectives of the County's adopted Comprehensive Plan.

32
33 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
34 **COMMISSIONERS OF ESCAMBIA COUNTY, FLORIDA:**

35
36 **Section 1. Recitals.** The foregoing recitals are true and correct and incorporated
37 herein by reference.

38
39 **Section 2.** Part I, Chapter 14 of the Escambia County Code of Ordinances, Buildings
40 and Building Regulations, Article XXI, Short-Term Vacation Rentals, Section 14-225
41 through Section 14-230, is hereby created to read as follows:

42
43 **ARTICLE XXI. – SHORT-TERM VACATION RENTALS**

44
45 **Sec. 14-225. – Applicability; Definitions.**
46

1 (a) The provisions of this Article shall apply to "short-term vacation rentals" which
2 include any dwelling or group of dwellings units, as defined in Section 6-0.3 of the Land
3 Development Code, including those units in a condominium, cooperative, mobile home,
4 or timeshare dwelling located in the unincorporated areas of Escambia County, Florida
5 which meets the criteria for a "short-term vacation rental" as defined in this Article. This
6 Article does not apply to motels or hotels as defined in Section 6-0.3 of the Land
7 Development Code. As used in this sub-section, the term "available for rent or lease"
8 means that the dwelling is actually being offered for rent or lease or is rented or leased
9 for varying periods of time.

10
11 (b) All owners of properties subject to the provisions of this Article shall, prior to
12 offering their property for rent or lease to the public, register each dwelling with the
13 County.

14
15 (c) In addition to their tenants, the owner of all applicable properties subject to this
16 Article are at all times ultimately responsible for compliance with the terms of this Article,
17 and the failure of any tenants, their guests, or agents of the owner to comply will be
18 deemed noncompliant by the owner.

19
20 (d) *Definitions.* As used herein, unless the context affirmatively indicates to the
21 contrary, the following terms are defined to mean:

22
23 (1) "*County Administrator*" means the Escambia County Administrator, or the
24 person or persons designated by the Escambia County Administrator, to
25 administer the provisions of this Article on behalf of the County.

26
27 (2) "*Designated Contact*" means a person eighteen (18) years of age or older,
28 property manager, or entity designated by the owner of a particular dwelling to
29 serve as the contact for the purpose of immediately addressing or resolving the
30 concerns of the tenants, or responding to and resolving complaints by the
31 County or other persons, regarding property or the conduct of the occupants of
32 a particular dwelling subject to regulation pursuant to this Article. The
33 designated contact must have the authority granted by the owner and the
34 tenant to consent to allow a police, fire or code enforcement entry onto the
35 property to conduct an inspection. The owner may serve as the designated
36 contact. Alternatively, the owner may designate as the designated contact any
37 natural person 18 years of age or older. Alternate designated contacts may also
38 be designated by the owner as part of a regulation application subject to this
39 Article.

40
41 (3) "*Dwelling*" means a building that contains one or more dwelling units and
42 may be characterized as one of the following (see Section 6-0.3 of the Land
43 Development Code):

44
45 *Detached dwelling.* A dwelling that does not have any roof, wall, or
46 floor in common with, or is attached by any other means to, another

1 dwelling.

2
3 *Multifamily dwelling.* A building that contains three or more dwelling
4 units in any arrangement, including triplex and quadruplex building
5 forms and apartment and condominium forms of tenancy and
6 ownership.

7
8 *Single-family dwelling.* A building that exclusively contains one
9 dwelling unit, in either detached or attached building form.

10
11 *Single-family attached dwelling.* A single-family dwelling that is
12 attached to one or more other single-family dwellings by common
13 vertical walls without openings, with property lines separating each
14 unit, and with each unit extending from foundation to roof, having its
15 own direct access to the outside, and having yards on at least two
16 sides.

17
18 *Single-family detached dwelling.* A single-family dwelling that is not
19 attached to any other dwelling by any means and is surrounded by
20 open space or yards.

21
22 *Two-family dwelling (duplex).* A building that exclusively contains two
23 dwelling units in any arrangement.

24
25 (4) “*Owner*” means the current title holder or owner as reflected on the current
26 Escambia County ad valorem tax rolls as reflected in the Escambia County
27 Property Appraiser’s Records.

28
29 (5) “*Short-term vacation rental*” means any unit or group of units in a
30 condominium or cooperative or any individually or collectively owned single-
31 family, two-family, three-family, or four-family house or dwelling unit within a
32 single complex of buildings which is rented to guests more than three (3) times
33 in a calendar year for periods of less than thirty (30) days or one (1) calendar
34 month, whichever is less, or which is advertised or held out to the public as a
35 place regularly rented to guests but that is not a timeshare property, as defined
36 in Chapter 721, Florida Statutes, all as defined and as may be amended by
37 sections 509.242(1)(c); (g), and 509.013(4)(a)1., Florida Statutes.

38
39 (6) “*Transient occupant*” means any person or guest or invitee of such person,
40 who occupies or is in actual or apparent control or possession of a short-term
41 vacation rental. There shall be a rebuttable presumption that any person who
42 holds themselves out as being an occupant or guest of an occupant of a short-
43 term vacation rental is a transient occupant.

1 **Sec. 14-226. – Registration, Inspections and Fees.**

2
3 (a) *Rental Property Registration.*

4
5 (1) Except as provided in paragraph (2), registration is required for every
6 dwelling subject to this Article. If a property contains more than one (1) dwelling,
7 a separate registration shall be required for each dwelling. Registration
8 application shall be made to the County Administrator. The County
9 Administrator shall review the registration application to determine that it is for
10 a dwelling subject to this Article and that all required information has been
11 submitted as a part of the registration application. Upon a determination that
12 the dwelling is subject to this Article and that the registration applicant has
13 submitted all required information, the County Administrator shall issue a
14 Certificate of Registration, noting: (A) a unique registration number; (B) the
15 effective date of registration; (C) the termination of the registration; (D) the
16 dwelling owner's name, address, telephone number and e-mail address; (E)
17 the address and legal description of the dwelling that is subject to the
18 registration certificate; (F) the designated contact's name, address, telephone
19 number, and e-mail address; and (G) if applicable, the property manager's
20 contact name, address, telephone number, and e-mail address. The County
21 Administrator shall make all determinations with regard to whether a dwelling
22 is subject to regulation pursuant to this article and with regard to registration.

23
24 (2) At the time of application for the issuance of a registration pursuant to this
25 Article, each owner of a short-term vacation rental must show evidence of
26 having obtained:

27
28 a. A Florida Department of Revenue certificate of registration for
29 purposes of collecting and remitting tourist development taxes, sales
30 surtaxes, and transient rental taxes, if applicable.

31
32 b. A Florida Department of Business and Professional Regulation
33 license as a transient public lodging establishment, if applicable. The
34 County reserves its right to report said short-term vacation rental to the
35 State of Florida, if County officials believe that the dwelling should be
36 licensed or otherwise regulated by the state.

37
38 c. It is understood that there are short-term vacation rental properties
39 within the County being marketed by owners as event venues. If in the
40 discretion of the County it is determined that a short-term vacation rental
41 is being marketed as an event venue, an applicant shall also be required
42 to obtain a business tax receipt from the County pursuant to Section 90-
43 93 of the Escambia County Code of Ordinances.

44
45 Upon adoption of this Article, owners of short-term vacation rentals shall have
46 forty-five (45) days to submit documentary evidence to the County evidencing

1 their individual efforts to register with the Florida Department of Revenue in
2 compliance with this Section. In the event items a. or b. above are not
3 applicable to the property, the property owner shall provide a written statement
4 and any supporting documentation setting forth the reason the requirement
5 does not apply. The County Administrator or his/her designee shall make a final
6 determination as to the applicability of these minimum requirements for a short-
7 term vacation rental.

8
9 (3) The following information must be included in any application for
10 registration:

11
12 a. The legal description of the property offered for rental (i.e., address,
13 lot, parcel ID number, block and subdivision name).

14
15 b. The name, address, telephone number, and e-mail address of the
16 owner of said property.

17
18 c. The name, address, telephone number, and e-mail address of any
19 property manager of the dwelling.

20
21 d. The name, address, telephone number, and e-mail address of the
22 designated contact for the dwelling. If the designated contact is other
23 than the owner, there shall also be required an agreement signed by
24 both the owner and the designated contact in which the designated
25 contact agrees to perform the duties of being a designated contact for
26 the specific dwelling subject to registration and in which the designated
27 contact is authorized on behalf of the owner to consent to a search of
28 the dwelling by police, fire or code enforcement.

29
30 e. The legal description of all other property owned by the property
31 owner located within Escambia County (i.e., address, lot, parcel ID
32 number, block and subdivision name).

33
34 f. The owner's agreement to use his or her best efforts to assure that
35 the use of the dwelling will be consistent with the Code of Conduct Policy
36 as specified in Section 14-227(9) of this Article.

37
38 g. Any such other relevant information deemed pertinent to the
39 registration. The application must be signed and contain the date of
40 execution by the owner.

41
42 (b) *Duties of the Owner or Designated Contact.* The duties of the owner or
43 designated contact are to:

44
45 (1) If the short-term vacation rental is located on Pensacola Beach, inform all
46 guests, in writing, prior to occupancy of the property of Escambia County's

1 “Leave No Trace/Obstructions on Beaches” ordinance, with a copy of the
2 ordinance printed and posted prominently near the main entrance of the
3 establishment.
4

5 (2) Inform all guests, in writing, prior to occupancy of the property of applicable
6 Escambia County ordinances concerning noise, vehicle parking and garbage,
7 with a copy of the applicable Escambia County ordinances printed and posted
8 prominently near the main entrance of the establishment.
9

10 (3) Maintain the short-term vacation rental in compliance with the occupancy
11 limits, as specified in this Article.
12

13 (4) See that the provisions of this Article are complied with and promptly
14 address any violations of this Article or any violations of law which may come
15 to the attention of the Designated Contact.
16

17 (5) Be available with authority to address and coordinate solutions to problems
18 with the rental of the property twenty-four (24) hours a day, seven (7) days a
19 week.
20

21 (6) Be situated close enough to the property as to be able to, and shall, respond
22 to emergency calls within one (1) hour of notification.
23

24 (7) Be able and willing to email, text or telephone the tenant or guest pursuant
25 to this Article and notify the County of the results within one (1) hour following
26 notification from the County of issues related to the dwelling.
27

28 (8) Receive service of any notice of violation of this Article. Notices given to
29 the Designated Contact shall be sufficient to satisfy any requirement of notice
30 to the owner.
31

32 (c) *Inspections.* Upon filing of a registration application with the County for a
33 dwelling, every short-term rental dwelling is subject to an initial inspection to ensure
34 compliance with the applicable Florida Building Code, and Fire Prevention Code
35 provisions. Inspections shall be made by appointment with the short-term vacation rental
36 owner or designated contact. If the inspector(s) have made an appointment with the
37 responsible party to complete an inspection, and the responsible party fails to admit the
38 inspector at the scheduled time, the owner shall be charged a “no show” fee in an amount
39 to be determined by resolution of the Board of County Commissioners.
40

41 (d) *Certificate Term and Renewal.* Initial registrations filed prior to January 1, 2022,
42 are valid through December 31, 2022. All subsequent registrations are valid for a term of
43 one (1) calendar year until the end of the calendar year in which the registration was
44 issued. However, in the case of a certificate transfer of ownership, the term shall
45 commence on the date that the certificate transfer of ownership is filed with the County
46 and shall continue for one (1) year thereafter. It is recommended that renewal applications

1 be submitted in complete and final form within 30 days of the expiration of the preceding
2 term. Certificates of registration not renewed prior to the expiration of the preceding term
3 may be treated similar to new registrations and subject to additional inspections and fees.
4

5 (e) *Fees for Registration.* The County is authorized and shall charge reasonable fees
6 for registration and renewal to compensate for administrative expenses. The fees for
7 registration and renewal shall be provided for, from time to time, by resolution adopted by
8 the Escambia County Board of County Commissioners.
9

10 (f) *Fees for Inspections.* Each dwelling subject to this Article shall pay the applicable
11 building and fire inspection fee assessed at the time of registration and paid upon
12 completion of inspections or as otherwise established by resolution of the Board of County
13 Commissioners.
14

15 (g) *Agency.* Any owner who engages the services of an agent, property manager, or
16 other representative for the purposes of compliance with this Article shall indicate so in
17 their registration.
18

19 (h) *Modification and Transferability.* The occurrence of any of the following shall
20 require the filing of an updated registration application with the County within thirty (30)
21 days thereafter: (1) any alteration, remodel, or other modification to any building or
22 structure subject to this Article requiring the issuance of a building permit; (2) any change
23 in the ownership of the dwelling; or (3) any other material change in the registration
24 application, including the designation of a new property manager or designated contact.
25 Any such updates, which require re-inspection, may be subject to additional fees.
26

27 (i) *Non-Exclusive.* The registration and fees required by this Article shall be in
28 addition to any other tax, certificate, permit, or fee, required under any other provision of
29 the County Code. Registration pursuant to this Article shall not relieve the owner of the
30 obligation to comply with all other provisions of the County Code pertaining to the use
31 and occupancy of the dwelling or the property on which it is located.
32

33 **Sec. 14-227. – General Provisions.**
34

35 All owners of dwellings registered as provided herein shall comply with the following:
36

- 37 (1) *Designated Contact.* Each applicant for registration shall at the time of
38 application designate a designated contact for the purpose of addressing the
39 concerns of the tenants or responding to complaints by the County or other
40 persons regarding the conduct of the occupants of a dwelling subject to regulation
41 pursuant to this Article. When an entity is designated, the registration shall include
42 the name of a specific contact person(s); provided, that in all events, there shall
43 be a designated person available for contact by the County for each hour of each
44 day, seven days per week. The designated contact shall respond to concerns
45 regarding potential violations of this Article within one (1) hour of receiving a
46 contact call from the County. The designated contact shall promptly make at least

1 three (3) attempts following the receipt of a complaint from the County to contact
2 the tenants and resolve the complaint. The designated contact is also responsible
3 for documenting the complaint; the date and time of receipt of the complaint from
4 the County; the date and time of attempts to contact the tenant(s) and the result
5 of the contact; the nature of the response by the tenant(s); and forwarding that
6 documentation to the County Administrator within one (1) hour of their response
7 to the initial complaint.
8

9 (2) *Occupancy Limits.*

10
11 a. In no case shall the maximum total occupancy for any dwelling unit exceed
12 the occupancy limits permitted by the Florida Fire Prevention Code or Florida
13 Building Code.
14

15 b. In addition to the foregoing, the maximum overnight tenant occupancy load
16 of any unit shall not exceed two (2) persons for each bedroom, as "bedroom" is
17 defined under the Florida Building Code, in the rental, plus two (2) persons. The
18 number of bedrooms shall be based upon the property appraiser's residential
19 profile of the property, and other documents of record, as needed.
20

21 c. If at any time during a rental reservation the occupancy load of a short-term
22 vacation rental located on Pensacola Beach is to exceed the maximum overnight
23 tenant occupancy for purposes of a special event, party, reunion, or other
24 gathering, the owner or designated contact shall first obtain authorization from the
25 Santa Rosa Island Authority.
26

27 (3) *Minimum Life/Safety Requirements.*

28
29 a. *Compliance with applicable laws.* All short-term vacation rentals must meet
30 the minimum standards for habitable structures set forth in the Florida Building
31 Code, the Florida Fire Code, the Florida Life Safety Code, and the County's Land
32 Development Code.
33

34 b. *Swimming pool, spa and hot tub safety.* All swimming pools, spas and/or
35 hot tubs at short-term vacation rentals shall comply with the standards of the
36 Florida Building Code, the Florida Fire Code, the Florida Life Safety Code, and
37 the County's Land Development Code.
38

39 c. *Smoke and carbon monoxide (CO) detection and notification system.* If an
40 interconnected and hard-wired smoke and carbon monoxide (CO) detection and
41 notification system is not in place within each dwelling unit of a short-term vacation
42 rental, then an interconnected, hard-wired smoke alarm and carbon monoxide
43 (CO) alarm system shall be required to be installed and maintained on a
44 continuing basis consistent with the requirements of Section R314, Smoke
45 Alarms, and Section R315, Carbon Monoxide Alarms, of the Florida Building Code
46 – Residential.

1
2 d. *Fire Extinguisher.* A portable, multi-purpose dry chemical 2A:10B:C fire
3 extinguisher shall be installed, inspected, and maintained in accordance with
4 NFPA 10 on each floor/level of each dwelling unit of a short-term vacation rental.
5 The extinguisher(s) shall be installed on the wall in an open common area or in
6 an enclosed space with appropriate markings visibly showing the location.
7

8 (4) *Recordkeeping.* The owner of each dwelling, or his/her designee or property
9 management company, shall maintain a registry of all tenant(s), their address,
10 telephone number, and e-mail address, and the make, model, year, and tag
11 number of their motor vehicle(s) located at the dwelling. The owner shall maintain
12 this information for each tenant for a minimum of two (2) years. The owner or
13 designated contact shall make the information regarding the current tenant(s)
14 available to the County within one (1) hour of a request by the County
15 Administrator.
16

17 (5) *Vehicles and Parking.*
18

19 a. *General.* All vehicles shall only be parked in the improved garage, carport,
20 or driveway of the dwelling unit. Garage area parking shall only be counted as
21 provided parking if the area is open and free from obstructions. Vehicles shall not
22 be within the right-of-way, including the grassy/unimproved areas and sidewalk
23 areas designated for pedestrian use.
24

25 b. *Prohibited Activities.* Tenants or guests of any registered unit shall not
26 engage in any prohibited parking activities as provided in Chapter 94 of the
27 Escambia County Code of Ordinances. Vehicles found in violation of the County's
28 applicable codes may be subject to citation or impoundment.
29

30 (6) *Trash.* As provided by Section 82-8 of the Escambia County Code of Ordinances,
31 refuse, trash, and recycling may not be left out by the curb on a public right-of-
32 way for pick up until 5:00 p.m. on the evening before the scheduled trash or
33 recycling pick-up day with all trash, refuse or recycling containers removed
34 thereafter by 7:30 p.m. on the evening of the day of refuse, trash, or recycling
35 pickup, as applicable. Additionally, by 5:00 p.m. the day after the last day of the
36 contracted short-term vacation rental period, all refuse, trash, and recycling shall
37 be removed from the property. The owner shall be required to obtain one (1) trash
38 can for the first three (3) bedrooms; and one (1) can per two (2) bedrooms
39 thereafter, and to acquire special valet garbage service from the owner's solid
40 waste removal provider in order to ensure all garbage is properly contained and
41 removed. The owner, in lieu of acquiring valet garbage service from the owner's
42 solid waste removal provider, may utilize a third-party valet garbage service
43 removal provider.
44

45 (7) *Noise.* Tenants and their guests must comply with the requirements of Section
46 42-65 of the Escambia County Code of Ordinances, and not unnecessarily make,

1 continue or cause to be made or continued, any unreasonable noise as defined
2 therein.

3
4 (8) *Code of Conduct Policy.* As a general policy and aspirational goal, tenants and
5 their guests are required to adhere to a "good neighbor" Code of Conduct Policy
6 by which they will be respectful of their neighbors and not disrupt the peace and
7 tranquility of their neighbors; not make raucous, loud, or unnecessary noise at
8 any time; not set off fireworks in violation of the County code, not allow drunken,
9 disorderly, or intoxicated conduct on the short-term rental dwelling property; and
10 not violate parking or occupancy restrictions.

11
12 (9) *Fireworks.* The use of fireworks is prohibited and violators will be prosecuted.
13 See Section 50-1(c), of the Escambia County Code of Ordinances.

14
15 (10) *Advertisements and Marketing.* It shall be unlawful to offer or advertise any short-
16 term rental dwelling for rent or lease in the County without that unit first being
17 registered as provided in this Article. Where advertised, the registration number
18 provided by the County must appear on all forms of advertisement and on the
19 landing or "home" page for the dwelling when advertised over the internet.
20 Alternatively, the registration number of a designated contact or property manager
21 can appear in lieu of the individual property registrations numbers. All marketing
22 and/or advertising for short-term vacation rental units must contain (i) information
23 concerning the occupancy limit of the short-term vacation rental unit, and (ii) the
24 maximum parking available on the property. Advertising for more than the
25 allowable occupancy or allowable parking is prima facie evidence of a violation of
26 the County Code. Further, failure to include such occupancy limits and maximum
27 parking availability is prima facie evidence of a violation of the County Code.

28
29 (11) *Compliance with Other Regulatory Authorities.* Properties subject to this Article
30 must meet all applicable requirements of state law. To the extent provided by
31 general law, violation of any state law relating to the subject matters contained in
32 the Article shall also constitute a violation of this subsection; provided that no
33 penalty under this Article shall be greater than that authorized by state law for
34 violation of the state law provision.

35
36 (12) *Hurricane Evacuation.* It is the owner's responsibility to be knowledgeable of the
37 hurricane evacuation zone for the short-term vacation rental. It is imperative that
38 the owner look up the applicable evacuation zone each year, as zones can
39 change.

40
41 **Sec. 14-228. – Required Postings and Notice.**

42
43 (a) Each registered short-term vacation rental shall be equipped with no more than
44 one outdoor identification sign, not to exceed two square feet in area. No other advertising
45 signs promoting or identifying the unit shall be permitted anywhere in residential zoning
46 districts. The required identification sign shall be affixed to the short-term vacation rental

1 in a location, which is clearly visible from the street, and shall clearly display all of the
2 following information in lettering of sufficient size to be easily legible:

- 3
- 4 (1) The designated contact for the unit and a telephone number where the
5 designated contact may be reached on a 24-hour, daily basis.
- 6
- 7 (2) The occupancy limits, total and overnight, for the dwelling.
- 8
- 9 (3) The maximum number of vehicles allowed to be parked on the property
10 and the location of on-site parking spaces.
- 11
- 12 (4) The telephone number of the Escambia County Environmental Code
13 Enforcement Division.
- 14

15 (b) Each registered short-term vacation rental shall have a clearly visible and legible
16 notice conspicuously posted within the dwelling, containing the following information:

- 17
- 18 (1) The designated contact for the unit and a telephone number where the
19 designated contact may be reached on a 24-hour, daily basis.
- 20
- 21 (2) The evacuation zone applicable to the short-term vacation rental.
- 22
- 23 (3) The occupancy limits, total and overnight, for the dwelling.
- 24
- 25 (4) The maximum number of vehicles allowed to be parked on the property
26 and the location of on-site parking spaces.
- 27
- 28 (5) The trash and recycling pick-up day(s).
- 29
- 30 (6) A notice that no fireworks shall be set off and a statement that violations
31 will be prosecuted.
- 32
- 33 (7) A copy of the County's noise ordinance.
- 34
- 35 (8) A copy of the County's "Leave No Trace/Obstructions on Beaches"
36 ordinance.
- 37
- 38 (9) If the short-term vacation rental is located on the barrier island, notice of
39 sea turtle nesting season restrictions and sea turtle lighting usage.
- 40
- 41 (10) The location of the nearest hospital.
- 42

43 (c) The information set forth in sub-sections (a) and (b) must be kept current at all
44 times by the dwelling owner. All tenants must be provided a Code of Conduct summary
45 of the remaining general provisions of this Article, including the penalties for violations as
46 set forth in Section 14-230(b) of the Escambia County Code of Ordinances, and a copy

1 of the current County registration.

2
3 **Sec. 14-229. – Vesting.**
4

5 (a) *Rental Agreement Vesting.* It is recognized that there are likely existing
6 rental/lease agreements for short-term vacation rentals in existence at the time of
7 adoption of this ordinance enacting this Article which may not be in compliance with the
8 terms of this Article. Therefore, rental agreements that were entered into prior to the
9 adoption of this Article, for rental periods ending on or before January 1, 2023, shall be
10 considered vested. No special vesting application, process, or fee shall be required to
11 obtain this vesting benefit. Should any issue arise as to whether a rental agreement allows
12 occupancy in excess of occupancy provided by a Short-Term Vacation Rental Certificate
13 of Registration or as otherwise provided in this Article, the owner or designated contact
14 shall provide a vested rental agreement to the satisfaction of the County, including
15 providing electronic data that establishes the date on which an agreement was entered
16 into.

17
18 (b) *Maximum Occupancy Vesting.* In applying the standards of Section 14-227(2) to
19 the short-term vacation rentals lawfully in existence prior to the adoption of this Article, it
20 is understood that there are properties that may otherwise physically qualify for larger
21 occupancies if the maximum occupancy were set higher. In an effort to recognize
22 investment backed expectations and yet balance and protect the interest of other single-
23 family and multi-family properties which are not rental properties, there shall be a phasing-
24 in of maximum occupancy, as provided below:
25

26 (1) At the discretion of the County, the maximum occupancy for these large
27 properties may be temporarily allowed to be capped at no more than fourteen
28 (14) transient occupants providing all other life/safety requirements of Section
29 14-227(3) can be met. This maximum occupancy may be retained through
30 December 31, 2025, at which time it shall be reduced to reach the maximum
31 occupancy as provided in this Article. No special vesting application, process,
32 or fee shall be required to obtain this vesting benefit other than demonstrating
33 eligibility through the normal short-term vacation rental registration process.
34

35 (2) For those owners that desire a higher vesting occupancy and/or different
36 vesting schedule, the owner of the property may make application for
37 consideration of such an alternative vesting benefit. The alternative vesting
38 process shall require the following information at a minimum, although the
39 actual application and review process may require the applicant to submit
40 additional information:

41
42 a. Submittal of a complete vesting application to include applicable fee;

43
44 b. Issuance of a Short-Term Vacation Rental Certificate of Registration on
45 the property otherwise meeting all other requirements herein;
46

- 1 c. A written narrative and any tabulation/evidence showing what potential
2 financial impacts the reduction in occupancy will create;
3
4 d. Any prospectus, financial pro forma, or other information relied upon to
5 make the investment into the property;
6
7 e. Actual short-term vacation rental/lease agreements on the property for
8 the last three (3) years showing the number of occupants for the short-
9 term vacation rental unit per rental;
10
11 f. Profit and loss statement for the property certified accurate by a Certified
12 Public Accountant for the last three (3) years;
13
14 g. Detailed gross and net revenues/expenses for the property to include
15 but not be limited to: management fees, maintenance fees, utility costs,
16 and similar expenses;
17
18 h. Purchase price for the property and/or structure – if constructed by the
19 owner, the construction costs of the facility;
20
21 i. Any mortgage or debt on the property along with any monthly debt
22 service payments; and
23
24 j. All other information the applicant believes is relevant in establishing any
25 vested rights claim and to demonstrate an extraordinary circumstance
26 or consideration that should be weighed by the County.
27

28 The review process for an application for a higher vesting occupancy and/or
29 different vesting schedule under this subsection will, at a minimum, provide
30 for public notification to be sent via U.S. mail to the address registered with
31 the property appraiser for each owner of real property with any portion of
32 the property within three hundred (300) feet of the subject property. The
33 cost of the mailing is to be borne by the applicant.
34

- 35 (3) In consideration of applications for a higher vesting occupancy and/or different
36 vesting schedule, such determinations shall be made by the County
37 Administrator. The determination of the County Administrator shall be deemed
38 final action.
39
40 (4) In considering an application for a higher vesting occupancy and/or different
41 vesting schedule, the burden of demonstrating entitlement to a vested right
42 from the provisions of the ordinance enacting this Section shall be on the
43 owner or applicant seeking to establish vested rights.
44
45 (5) Owners, seeking to establish vested rights, must demonstrate that the
46 application of the ordinance enacting this Section would inordinately burden

1 an existing use of their real property or a vested right to a specific use of their
2 real property.

3
4 (6) A vested use shall transfer to a subsequent owner provided that all applicable
5 short-term vacation rental standards continue to be met in addition to any
6 specific vesting conditions. A vested use is not transferrable to another short-
7 term vacation rental property.

8
9 (7) If a vested use ceases for a period of one (1) year, then the vesting shall be
10 considered to have lapsed and the short-term vacation rental shall be subject
11 to all short-term vacation rental standards as if a new application.

12
13 **Sec. 14-230. – Interpretation; Enforcement.**

14
15 (a) *Interpretation.* All questions of interpretation, or application, of the provisions of
16 this Article shall first be presented to the County Administrator. In interpreting or
17 determining the application of the provisions of this Article, the County Administrator shall
18 be guided first by the plain meaning of the words and terms in the code and second by
19 the intent expressed therein. Thereafter, the Board of County Commissioners shall have
20 the authority to hear and decide appeals from the decision or interpretation by the County
21 Administrator.

22
23 (b) *Enforcement.* The County may utilize Part 1 of Florida Statutes Chapter 162 to
24 prosecute a code violation and in such case a special magistrate shall be authorized to
25 hold hearings, assess fines in accordance with the statute, and order other relief, as
26 provided in Chapter 30, Article II of the Escambia County Code of Ordinances.
27 Alternatively, the County may utilize Part 2 of Florida Statutes Chapter 162 and pursue
28 violations by way of a civil citation system, as provided in Chapter 30, Article III of the
29 Escambia County Code of Ordinances. The civil citation fines per violation shall be set by
30 resolution of the Board of County Commissioners for first (1st), second (2nd), third (3rd)
31 and further repeat violations. The County may also utilize an appropriate enforcing
32 agency at the state or local level. Tenants and owners may be prosecuted concurrently.

33
34 (1) *Failure to Register.* Each day of renting a dwelling without having a
35 registration certificate issued pursuant to this Article shall constitute a
36 separate and distinct violation of this Article.

37
38 (2) *Additional Remedies.* Nothing contained herein shall prevent the County
39 from seeking all other available remedies which may include, but not be
40 limited to, injunctive relief, liens, and other civil and criminal penalties as
41 provided by law, as well as referral to other enforcing agencies.

42
43 (c) *Denial/Suspension/Revocation.* Any registration issued pursuant to this article may
44 be administratively denied, revoked, or suspended by the County for failure to satisfy the
45 requirements for registration or for violation by the owner of this Article, any County
46 Ordinance, or state law. Such denial, revocation or suspension is in addition to any

1 penalty provided herein. Any appeal of administrative action taken pursuant to this
2 subsection shall be as provided in Section 14-230(a).

3
4 **Section 3. Severability.** If any section, subsection, paragraph, sentence, clause,
5 phrase, or portion of this Ordinance is for any reason found void, invalid, unlawful, or
6 unconstitutional by any court of competent jurisdiction, such portion shall be deemed a
7 separate, distinct, independent, and severable provision such holding shall not affect the
8 validity of the remaining portions of this Ordinance.

9
10 **Section 4. Inclusion in the Code.** It is the intention of the Board of County
11 Commissioners that the provisions of this Ordinance shall become and be made a part of
12 the Escambia County Code of Ordinances; and that the sections of this Ordinance may
13 be renumbered or re-lettered and the word "ordinance" may be changed to "section",
14 "article", or such other appropriate word or phrase in order to accomplish such intentions.

15
16 **Section 5. Effective Date.** This Ordinance shall become effective upon filing with the
17 Department of State.

18
19 **DONE AND ENACTED** this _____ day of _____ 2021.

20
21 **BOARD OF COUNTY COMMISSIONERS**
22 **ESCAMBIA COUNTY, FLORIDA**

23
24
25 By: _____
26 Robert Bender, Chairman

27
28 ATTEST: PAM CHILDERS
29 Clerk of the Court

30
31 By: _____
32 Deputy Clerk

33
34 (SEAL)

35
36
37 ENACTED:
38 FILED WITH THE DEPARTMENT OF STATE:
39 EFFECTIVE DATE: