



Agenda Item Memorandum

TO: City Commission of the City of Clewiston
FROM: Leslie Almanza, Permit Technician
VIA: Christopher Cooper, Building Official
DATE: September, 02, 2025
SUBJECT: Recommendation to Amend Ordinance No. 2025-04

Background:

Ordinance No. 2025-04, regulating Vacation Rentals in the City of Clewiston, establishes a framework to preserve the residential character of neighborhoods, protect public health, safety, and welfare, and ensure accountability of property owners and operators.

Recommendation:

It is recommended that the City Commission **Amend Ordinance #2025-04** to adopt the following standards of the Vacation Rental Ordinance, making them binding conditions of registration, operation, and enforcement. This amendment will provide clarity, strengthen enforceability, and ensure consistent application of public safety measures across all registered vacation rental properties.

**CITY OF CLEWISTON
ORDINANCE NO. 2025-04**

**AN ORDINANCE OF THE CITY COMMISSION OF THE
CITY OF CLEWISTON, FLORIDA AMENDING THE
CLEWISTON CODE OF ORDINANCES, CHAPTER 22,
BUSINESSES; CREATING ARTICLE VIII. – VACATION
RENTALS; PROVIDING FOR INCLUSION IN THE CODE
OF ORDINANCES; CONFLICT; SEVERABILITY;
PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, increasing numbers of vacation rental uses have arisen within the city; and

WHEREAS, the city lacks current legislation regulating these uses within the city; and

WHEREAS, the Commission of the City of Clewiston, Florida is authorized to regulate and provide for the inspection of these uses pursuant to Florida Statute 509.032(7)(a) and now desires to create a framework for vacation rental regulation and finds it to be in the best interest of the city and the public welfare to do so;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE
CITY OF CLEWISTON, FLORIDA, AS FOLLOWS:**

SECTION 1. The Clewiston Code of Ordinances, Chapter 22, Article VIII. Vacation Rentals is hereby created to hereafter read as follows:

ARTICLE VIII. – VACATION RENTALS

Sec. 22-180. – Vacation rental registration & inspection required.

- (a) *Applicability.* A vacation rental is a dwelling unit that is also a transient public lodging establishment. A transient public lodging establishment, as defined under Fla. Stat. 509.013(4)(a)1 means any unit which is rented out to guests more than (3) times in a calendar year for periods of less than thirty (30) days or one (1) calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests for periods less than thirty (30) days or one (1) calendar month, whichever is less.
- (b) It shall be unlawful for any person or entity to operate or occupy a property as a vacation rental within the city or offer such property for rent as a vacation rental within the city, unless the person or entity has first registered such property with the city by obtaining a vacation rental permit in accordance with the requirements of this article. Separate permits are required for each individual vacation rental unit. All vacation rental permits shall be renewed annually and shall be considered delinquent if not renewed by September 30th of each year.

- (c) *Inspection.* An initial inspection of the vacation rental shall be completed by a city code inspector and/or building department personnel, for compliance with the provisions of this article. If violations are found, all violations must be corrected, and the property or dwelling unit must be re-inspected prior to the issuance of the vacation rental permit.
- (d) *Reinspection.* Once issued, a vacation rental must be properly maintained in accordance with the standards herein and will be re-inspected annually. Any violations must be corrected and re-inspected. Failure to correct such inspection deficiencies shall result in possible code enforcement action and the suspension of the vacation rental permit until such time as the violations are corrected and re-inspected.
- (e) *Approval or Denial.* The city may either approve a vacation rental registration or deny such application/renewal in conjunction with the issuance of a notice of denial upon a finding that one or more of the criteria required under this article have not been met.
- (f) *Appeals.* Any owner/applicant aggrieved by a city decision regarding denial of a vacation rental may file an appeal by requesting a hearing before the city's code enforcement special magistrate. The hearing request must be in writing and filed with the city attorney within ten days of receipt of the decision complained about. The hearing request must also specify the decision and the principal grievance of the owner/applicant. The City shall then provide such applicant/owner notice of a hearing before the special magistrate. The special magistrate's findings and resulting order shall constitute the final administrative action of the city for purposes of judicial review.

Sec. 22-181. – Registration submittal.

(a) *Applicability.* Every vacation rental owner or operator shall register with the city by submitting to the building department a completed vacation rental registration in a form promulgated by the city, together with registration and inspection fees in amounts established by resolution of the city commission, which amounts may be amended from time to time. A separate registration application form with separate registration and inspection fees shall be required for each vacation rental unit.

(1) *Permit application.* A complete vacation rental permit application form shall include the following:

- a. A copy of the business tax receipt issued by the city.
- b. Property card printout from the county property appraiser database.
- c. A copy of the current transient public lodging establishment license issued by the state department of business and professional regulation.
- d. Current certificate of registration with the state department of revenue for remittance of applicable state taxes.
- e. Floorplan of the vacation rental unit which includes stairways, hallways, bedrooms, exists, and which identifies all fire extinguisher locations.
- f. Site survey which includes the residential unit, any swimming pools, hot tubs, spas, and fencing.
- g. Contact information for the owner or responsible party, in the format prescribed by the city.

h. Proof that the vacation rental has satisfied the inspection requirements as provided under this article.

(2) *Modification of permit.* An application for modification of a vacation rental permit shall be required in the event that any of the following changes to the vacation rental are proposed:

- a. An increase in the gross square footage.
- b. An increase in the number of bedrooms.
- c. An increase in the maximum occupancy.
- d. An increase in the number of parking spaces, or a change in the location of parking spaces.
- e. An increase in the number of bathrooms.
- f. Any other material modifications that would increase the intensity of use or implicate the Florida building or Fire Codes.

(3) *Duration of permit.* A vacation rental permit issued under this article shall expire each September 30 and may be annually renewed thereafter if the property is in compliance with this article.

(4) *Renewal of permit.* A vacation rental permit renewal shall be completed by September 30 of each year, through the execution of a renewal affidavit and inspection in the format prescribed by the city, and the payment of the renewal fee as established by the city. A property owner may apply for renewal of a vacation rental permit beginning July 1 prior to the expiration of the annual license.

(5) *Incomplete permit application/renewal.* If the permit application or renewal form submitted pursuant to this article is incomplete, the applicant shall be informed of such deficiency and shall have ten days to correct the deficiency.

(6) *Non-transferability and non-assignability of permit.* Vacation rental permits issued under this article are non-transferable and non-assignable. If the ownership of any vacation rental property is sold or otherwise transferred, the new owner is required to apply for new permits.

(7) *Permit application or renewal fees.* The city charges reasonable administrative fees to process a vacation rental permit application or renewal, the amount of which shall be established by resolution of the city council. Fees are non-refundable.

(8) *False or misleading information.* It shall be unlawful for any person to give false or misleading information in connection with any application for, modification, or renewal of a vacation rental permit as required by this article. Vacation rental permit applications shall be sworn to under penalty of perjury. Any false statements made in an application shall be a basis for the revocation of any permit issued pursuant to such application.

Sec. 22-183. – Vacation rental standards.

- (a) All structures housing vacation rental uses operating within the city must meet the minimum required standards within the latest edition of the Florida Building Code and the Florida Fire Prevention code as amended from time to time.
- (b) The city shall not process any vacation rental registration or renewal if the property has unresolved code violations or code enforcement lines.

Sec. 22-184. –Enforcement; evidence of unlawful vacation rental operation.

(a) It shall be unlawful and a violation of this chapter for any person or entity to rent, lease, advertise or hold out for rent any property or dwelling unit for vacation rental use without a vacation rental permit. Upon a determination by the city that a vacation rental is being operated in a manner inconsistent with this article, the city shall begin enforcement proceedings in accordance with Chapter 26 Article III of this code. In addition to any other enforcement authority provided by law, the special magistrate may authorize suspension or revocation of a vacation rental permit upon a finding of one or more violations of this article.

(b) Prima facie evidence of vacation rental uses of a property or dwelling unit shall include:

- (1) Registration or licensing for short-term rental or transient rental use by the state under Fla. Stat. chapters 212 and 509.
- (2) Advertising, listing, posting, or otherwise holding out a property or dwelling unit for vacation rental use on the internet or other mass communication medium.
- (3) Reservations, booking arrangements or more than one signed lease, sublease, assignment, or any other occupancy or agreement for compensation, trade, or other legal consideration addressing or overlapping any period of 28 days or less;
- (4) The use of an agent or other third person to make reservations or booking arrangements.

Nothing herein precludes the city from presenting other forms of evidence of unlawful vacation rental use or operation.

- (c) No fees or taxes shall be refunded in a vacation rental permit is suspended, revoked, or cancelled pursuant to this section.
- (d) Additional remedies. Nothing contained herein shall prevent the City from seeking all other available remedies which may include, but not be limited to, injunctive relief, liens, and other civil and criminal penalties as provided by law, as well as referral to other enforcing agencies.

Secs. 22-185 – 22-189. – Reserved.

SECTION 2. Codification. The provisions of this Ordinance shall become and be made part of the Code of Laws and Ordinances of the City of Clewiston.

SECTION 3. Severability. If any phrase, sentence, or portion of this Ordinance is, for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and individual provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4. Repeal of Laws in Conflict. All ordinances of the City of Clewiston, Florida, which are in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5. Effective Date. This Ordinance shall take effect immediately upon its passage and is consistent with all requirements of general law.

Commissioner _____ offered the foregoing ordinance. Commissioner _____ seconded the motion, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
JAMES PITTMAN, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HILLARY HYSLOPE, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BARBARA EDMONDS, COMMISSIONER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MILA GARDNER, COMMISSIONER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JASON WILLIAMS, COMMISSIONER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF CLEWISTON, FLORIDA, ON FIRST READING, THIS ____ DAY OF _____, 20__.

Commissioner _____ offered the foregoing ordinance. Commissioner _____ seconded the motion, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
JAMES PITTMAN, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HILLARY HYSLOPE, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BARBARA EDMONDS, COMMISSIONER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MILA GARDNER, COMMISSIONER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JASON WILLIAMS, COMMISSIONER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF CLEWISTON, FLORIDA, ON SECOND READING, THIS ____ DAY OF _____, 20__.

ATTEST:

CITY OF CLEWISTON, FLORIDA

Lakisha Burch, City Clerk

James Pittman, Mayor

(MUNICIPAL SEAL)

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**

By: _____
Dylan J. Brandenburg, City Attorney

1.1 - Intent

The City of Clewiston, Florida finds that certain transitory uses of residential property tend to affect the residential character of the community and are injurious to the health of the community. Therefore, it is necessary and in the interest of public health, safety and welfare to monitor and provide reasonable means for citizens of the City of Clewiston to mitigate impacts created by such transitory uses of residential property within the City of Clewiston. It is unlawful for any owner of any of any property within the geographic bounds of the City of Clewiston to rent or operate a Vacation Rental of residential property contrary to the procedures and regulations established in this Section or applicable state statute.

1.2 - Registration Required

It is unlawful for any person to allow another person to occupy any residential property as a Vacation Rental within the City of Clewiston, or offer such rental services within the City of Clewiston, unless the person has registered the Vacation Rental dwelling unit(s) with the City of Clewiston and the Vacation Rental dwelling unit(s) have been issued a Certificate of Compliance in accordance with the provisions of this Section. Each approved Vacation Rental dwelling unit will be assigned a unique registration number that must be listed as part of any advertisement for the rental of the approved Vacation Rental dwelling unit.

1.3 - 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 Section.

1.4 - Application for Registration

Application for registration of a Vacation Rental dwelling unit shall be made to the Community Development Department and shall set forth at a minimum:

(A)The address of the property.(B)The zoning district of the property.(1) If the intent of the property isn't zoned according to the request, an application will need to be submitted to the planning and zoning committee. Such approval will be required to proceed with the application for the short term rental. (C)Name, address and phone number of the property owner.(D)Name, address and emergency contact phone number of Responsible Party for the property, which shall be a 24 hour, seven days a week contact number.(E)That the phone number for Responsible Party will be answered 24 hours a day, seven days a week by the responsible party.(F)Owner acknowledgement of Section 1.5, Vacation Rental Standards.(G)Proof of Registration with the Florida Department of Revenue for sales tax collection and Pinellas County Tourist Development Tax.(H)Proof of Licensure with the Florida Department of Business and Professional Regulation for a Vacation Rental.(I)Business Tax Receipt from City of Clewiston.(J)Proof of General Liability insurance.(K)Proof of Passing an initial Business Tax Receipt fire inspection.(L)Proof of passing initial business tax inspection by the City of Clewiston Building Department. (M)The owner's sworn acknowledgement that he or she has received a copy of this section, has reviewed it and understands its requirements; and
Submission of an incomplete registration application form shall result in rejection

of the application.

1.5 - Vacation Rental Standards

(A) There shall be one off street parking space for each bedroom. Recreational vehicles and accessory trailers shall not be permitted in driveways or other designated parking areas. No recreational vehicles or any other motor vehicle may be used for sleeping. On street parking shall not be permitted. (B) That all vehicles associated with the Vacation Rental must be parked in compliance with the Code of Ordinances of the City of Clewiston. (C) That it shall be unlawful to allow or make any noise or sound that exceeds the limits set forth in Section 107-41, Noise. (D) That the owner shall comply with all applicable city, county, state and federal laws, rules, regulations, ordinances and statutes. (E) That no solid waste container shall be located at the curb for pickup before 6:00 p.m. the day prior to pick up, and solid waste container shall be removed before midnight of the day of pickup. (F) That, whoever, without being authorized, licensed, or invited, willfully enters or remains in any structure or conveyance or a property, or, having been authorized, licensed, or invited, is warned by the owner or lessee, to depart the property and refuses to do so, commits the offense of trespass in a structure or conveyance.

1.6 - Fees for Annual Registration

The fees for annual registration shall be provided for in Appendix A—Fees of the City's Land Development Code.

1.7 - Responsible Party Required

Whenever any Vacation Rental dwelling unit is required to be registered under this Section, the owner shall appoint a natural person who resides within 25 miles of the Vacation Rental property to serve as the Responsible Party for service of notices, are specified herein and notices given to the Responsible Party shall be sufficient to satisfy any requirement of notice to the owner. An initial Responsible Party shall be designated and name submitted with the application for registration and the City Clerk or his or her designee shall thereafter be notified of any change of Responsible party within 15 days of such change. Further, it is the affirmative duty of the Responsible party to:

(A) Maintain all properties under their control in compliance with the occupancy limits, as specified in the Florida Building Code and the Code of Ordinances of the City of Clewiston, Florida as determined by the building official or his designee; (B) See that the provisions of this Section are complied with and promptly address any violations of this Section or any violations of law which may come to the attention of the Responsible Party; (C) Be situated close enough to the property as to be able to, and shall, respond to emergency calls within two hours of notification; and (D) Maintain the entire property free of garbage and litter, provided however, that this subsection shall not prohibit the storage of garbage and litter in authorized receptacles for collection.

1.8 - Responsible Party

(A) Duties of the Responsible Party: 1. Be available at the listed phone number 24 hours a day, seven days a week to handle problems arising from the Vacation Rentals use; and 2. Be able and willing to come to the Vacation Rental dwelling unit within two hours following notification from the City/Code Enforcement of issues related to the vacation rental; and 3. Receive service of any notice of violation of this section; and 4. Monitor the Vacation Rental dwelling unit at least weekly to assure continued compliance with the requirements of this section. (B) An owner may change his or her designation of a Responsible Party temporarily or permanently; however, there shall be only one Responsible Party for each Vacation Rental property at any given time. To change the Responsible Party, the owner shall notify the City in writing of the name, contact information and certification as required under "Responsible Party" for the new Responsible Party.

1.9 - No Limitation of Remedies

Nothing in this section shall limit the City from enforcement of its code, state or federal law by any other legal remedy available to the City. Nothing in this section shall be construed to limit or supplant the power of the inspector(s), code enforcement inspector or Code Enforcement Board under the City's ordinances, rules and regulations and the authority granted under state law, to take the necessary action, consistent with the law, to protect the public from property which constitutes a public nuisance as defined under state law or the City Ordinances, codes or regulations or to abate a nuisance by any other lawful means or proceedings.

1.10 - Sale or Transfer of Dwelling Unit Used for Vacation Rentals

Whenever a dwelling unit used for Vacation Rentals is sold or otherwise changes ownership and new owner desires to use the unit for Vacation Rentals, a new registration is required. Vacation Rental Registrations are not transferrable from one owner to another.

1.11 - Expiration of Registration

(A) All registrations issued under the provisions of this Section shall be valid for no more than one year, and all registration shall expire on September 30th of each year. (B) Half-Year Receipts - Any person who was not liable for a local business tax receipt before April 1 during any business tax year may be issued a local business tax receipt for the second half of the business tax year, commencing from April 1, upon payment of one-half of the amount fixed as the price of an annual local business tax receipt.

1.12 - Revocation

(A) Any certificate of compliance issued pursuant to this Section may be denied, revoked, or suspended by the City Manager upon the adjudication of a violation of this Section, any City of Clewiston Ordinance, or state law by the Responsible

Party, property owner or Transient Occupant attributable to the property for which the certificate of compliance is issued. Such denial, revocation or suspension is in addition to any penalty provided herein.(B)Offenses/violations.1.Non-compliance with any provisions of this Section shall constitute a violation of this Section.2.Separate violations. Each day a violation exists shall constitute a separate and distinct violation.(C)Remedies/enforcement.1.Violations of this Section shall be subject to penalties as part of a progressive enforcement program with the primary focus on compliance and compatibility with adjoining properties, versus penalties and legal action to accomplish a safe and effective Vacation Rental program it is key that Vacation Rental Responsible Parties are responsive and responsible for the management of the property for compliance with this section.2.Additional remedies. Nothing contained herein shall prevent the City of Clewiston from seeking all other available remedies which may include, but not be limited to, suspension or revocation of a Vacation Rental Registration injunctive relief, liens and other civil and criminal penalties as provided by law, as well as referral to other enforcing agencies.(D)Suspension of Vacation Rental Certificate of Compliance. In addition to any fines and any other remedies described herein or provided for by law, the Code Enforcement Board may suspend a Vacation Rental Registration in accordance with the following:1.Suspension time frames.(a)Upon a second violation of this Section, the Vacation Rental certificate shall be suspended for a period of 90 calendar days.(b)Upon a third violation of this Section, the Vacation Rental Registration shall be revoked.2.Suspension restrictions. A Vacation Rental may not provide transient occupancy during any period of suspension of a Vacation Rental Registration.(a)The suspension shall begin immediately following notice, commencing either:(i)at the end of the current Vacation Rental lease period; or(ii)within 30 calendar days, whichever date commences earlier, or as otherwise determined by the Code Enforcement Board.(b)Operation during any period of suspension shall be deemed a violation pursuant to this Section and shall be subject to daily fine, up to \$250.00 for initial violation and \$500.00 for repeat violation, for each day that the Vacation Rental operates during a period of violation.(E)Number of violations. For purposes of this section only, violations shall be considered per the rental period or per every seven days, whichever is less and for only those violations in which a code enforcement citation or criminal charge was issued. Violations could potentially occur over multiple times over the same rental period.

1.13 - Appeals

A revocation of Responsible Party status by the City Manager may be appealed to the City's Board of Adjustment and Appeal.

(A)Applicability. A person may file an appeal of a revocation or suspension of his or her Responsible Party status.(B)Filing of Appeal. The appeal shall be filed within 30 days of receiving notice of the revocation or suspension by certified mail.

1.14 - Minimum life and safety requirements

(A)Residential 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, Chapter 515, Florida Statutes.(B)Smoke and carbon monoxide (CO) detection and notification system required.(C)Fire extinguisher required 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.

EXAMPLE

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