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**FLORIDA BAR BOARD CERTIFIED
CITY COUNTY AND LOCAL GOVERNMENT ATTORNEY*

May 13, 2013

City of Lake Worth
Mayor Pam Triolo and Commissioners
7 North Dixie Highway
Lake Worth, Florida 33460

RE: Vacation Rentals

Dear Mayor and Commissioners:

In 2011 the Florida Legislature adopted House Bill 883, which among other things amended Florida Statute 509.032.

This amendment preempts any local law, ordinance or regulation attempting to restrict the use of vacation rentals, prohibit vacation rentals, or regulate vacation rentals based solely on the classification, use or occupancy.

This does not apply to any local law, ordinance or regulation adopted on or before June 1, 2011.

A vacation rental is defined as "any unit or group of units in a condominium, cooperative, or timeshare plan or any individually or collectively owned single-family, two-family, or four-family house or dwelling unit that is also a transient public lodging establishment." (underlined language added in HB 883)

A transient public lodging establishment is defined as "any unit, group of units, dwelling, building or group of buildings within a single complex of buildings which is rented to guests

more than three times in a calendar year for periods of less than 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests.”

Lake Worth has regulations which were adopted prior to June 1, 2011. These code provisions provide that a residential unit may not be leased for less than 60 days. (when you review the code provisions as a whole).

At the last Commission meeting, the question was raised whether the City could enforce the “30” days in the statute. There are two reasons why this cannot be done.

1. Given the preemption in the statute, you must enforce your code as it existed prior to June, 2011, or you will lose your “grandfather” status.
2. The statute is actually not a 30 day limitation on rentals, but a definition of a transient public lodging establishment. A property is defined as a transient public lodging establishment if it rents more than three times in a calendar year for less than 30 day periods. In other words, it is not a restriction requiring rentals of at least 30 days, but, allows rentals up to 30 days, per rental, more than three times a year.

Sincerely,



Barbara Alterman, Esquire

cc: Michael Bornstein, Manger
William Waters, Dir. Community Sustainability
Pamela Lopez, Clerk
Glen Torcivia, City Attorney
Christy Goddeau, City Attorney