

VACATION RENTALS

Indian River County

Vacation rentals (residential units rented-out or offered for rent for a period of less than 30 days) are allowed in unincorporated Indian River County, subject to the following:

1. State license from Florida Department of Revenue: 850-487-1395 or www.myfloridalicense.com/dbpr
2. Local Business Tax Receipt (LBTR) from the Tax Collector of Indian River County – 1800 27th Street, Vero Beach FL, 32960 (772-226-1358 or 772-226-7343). The application is available on-line at <http://www.irctax.com/LocBusTaxApp-NewBusChkList.html>
3. Register with the Clerk of the Court for tourist development tax: 772-226-3111.
4. Compliance with Indian River County special parking regulations for vacation rentals:
 - **Maximum number of cars parked outside a carport or garage:**
 - Rental unit without carport or garage: 2 parking spaces plus 1 space per bedroom with a maximum total of 5 spaces
 - Rental unit with carport and/or garage: 1 parking space per bedroom with a maximum total of 5 spaces.

Short Term Vacation Rental Advisory Committee meeting information (back-up and minutes): www.ircgov.com/Boards/STVRAC

NOTE: On April 16, 2016 the Board considered recommendations from the vacation rental committee and directed staff to initiate the process for adopting a proposed vacation rental ordinance. The ordinance is scheduled to be considered by the PZC at a May 26, 2016 public hearing held in the County Commission Chambers at 7 pm.

5. Compliance with prohibition: No single-family residence, including a vacation rental single-family unit, can be rented-out for a wedding or a similar event characterized by music, dancing, catered food, tents, outdoor tables, alcohol, or use of shuttles or valets for guests.

Exemption: Agricultural property 4 acres or larger upon obtaining a temporary use permit (TUP) from County Planning.

COMPLAINTS ABOUT VACATION RENTAL VIOLATIONS [may remain anonymous]

Unincorporated County: Code Enforcement Office: 772-226-1249

Report On-Line: www.ircgov.com/violations

Report of public disturbance/nuisance: Sheriff's Office 772-569-6700 option 2

City of Vero Beach: Tom Ramsey (south zone) 772-978-4551
Melody Sanderson (north zone) 772-978-4561
On-Line: covb.org Departments/Code Enforcement

ATTACHMENTS: 1) IRC Vacation Rental Code Excerpts
2) State Guide to Vacation Rentals

Indian River County Vacation Rental Regulations [Fall 2015]

Vacation rental: any residential dwelling which is rented or leased more than three times in a calendar year to a tenant, individual, group of individuals, or party for a period of less than 30 days, or which is advertised or held out to the public as a dwelling which may be regularly rented or leased for a period of less than 30 days. [901.03]

Vacation Rental Special Parking Regulations

1. For a vacation rental that has a carport or garage, the number of automobiles that may be parked outside of a carport or garage shall be limited to one automobile per bedroom not to exceed a total of five (5) automobiles parked outside the carport or garage. Automobiles parked outside of a carport or garage shall be parked within a designated and improved or stabilized driveway and not within any required yard area.
2. For a vacation rental that has no carport or garage, the total number of automobiles parked shall be limited to two automobiles plus one automobile per bedroom not to exceed a total of five (5) automobiles parked on site. Automobiles parked outside of a carport or garage shall be parked within a designated and improved or stabilized driveway and not within any required yard area.
3. For all vacation rentals, all automobiles except for service and delivery vehicles shall be parked on-site and shall not be parked within a road right-of-way except within a designated and improved or stabilized driveway. [911.15(4); repeated in 912.17(2)]

Reference: Ordinance 2015-014; Code (LDR) sections 901.03, 911.15(4), 912.17(2)

Commercial Event at Residence Prohibited

“Commercial event at residence”: a gathering of people for a celebration that may include but not be limited to a: birthday, anniversary, wedding, reunion or sporting event characterized by music (live or recorded), dancing, catered food, tents, outdoor tables, alcohol or use of shuttles or valet for guest.

1. Held or occurring at single family residence.
2. Leased by the owner or the owner’s agent for consideration in exchange for holding the event at the residence.

(8) – Prohibition of commercial event at residence

- (a) As defined in 901.03, it shall be a violation of this code for any owner to lease a single family residence as a location for a commercial event at residence to be held. It shall be prima facie evidence of a violation of this code for an owner to advertise or hold out the property to be used as a location for a commercial event at residence.
- (b) A commercial event at residence held at a site that is:
 1. Four acres or greater in area and
 2. At a site that is zoned agricultural or
 3. At a site used for agricultural purposes

Must first apply for and receive a Temporary Use Permit as prescribed by IRC Code Chapter 972 prior to conducting the commercial event at residence.

- (c) If the owner of the property is not on the premises at the time of a commercial event at residence, it shall be a rebuttable presumption of a violation of this section.

Reference: Ordinance 2015-013; Code (LDR) sections 901.03, 911.15(8), 912.18(3)

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Vacation Rentals & Timeshare Projects

The Division of Hotels and Restaurants is responsible for regulating public lodging establishments in Florida, which includes licensing and inspecting Vacation Rentals and Timeshare Projects [see Chapter 509, Florida Statutes (FS), and Chapter 61C, Florida Administrative Code (FAC)].

Florida law defines a "Public lodging establishment" as transient public lodging establishments and non-transient public lodging establishments. [Section 509.013(4), FS]

Transient public lodging establishment means "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."

Vacation Rental: Vacation rentals are transient public lodging establishments defined in s. 509.242(1)(c), FS, as: any unit or group of units in a condominium or cooperative or any individually or collectively owned single-family, two-family, three-family or four-family house or dwelling unit that is also a transient public lodging establishment, but that is not a timeshare project.

Timeshare Project: A timeshare property (as defined in Chapter 721, F.S.) that is located in Florida and is also a transient public lodging establishment. (E.g., a timeshare property that rents by the week to guests outside the timeshare community.) (509.242(1)(g), F.S.)

License Classifications

Vacation rentals and timeshare project licenses have three different classifications (61C-1.002(4)(a), F.A.C.):

- **Single License:** May include one single home or townhome, or a unit or group of units within a single building that are operated by the owner.
- **Group License:** Covers all units within a building or group of buildings in a single complex that are licensed to a licensed agent. (Multiple group licenses may be issued to different licensed agents for units located on the same property.)
- **Collective License:** Issued to a group of houses or units found in separate locations that are represented by the same licensed agent. (A collective license may have a maximum of 75 houses or units per license and is restricted to counties within one district.)

If you operate both vacation rental condominiums and vacation rental dwellings, you may not combine them on the same license in any of the three licensing categories.

Licensed Agent

A licensed agent is someone that the property owner has authorized, through a rental agreement or contract, to hold out the property for rent on a transient basis. The licensed agent does not have to hold a license from the Division of Real Estate.

Only a licensed agent can hold a group or collective license. A licensed agent may not hold a single license. The licensed agent is responsible for all violations cited during an inspection if the violations occurred while the unit or dwelling was listed under the licensed agent (or if the division records list the property under the licensed agent).

Licensing

To obtain a Vacation Rental or Timeshare Project license you need to fill out an Application for Vacation Rental or Timeshare Project License. The application packet is available at <https://www.myfloridalicense.com/intentions2.asp?chBoard=true&boardid=200&SID>.

The Application for License must be submitted along with the following items:

- A list of all units or houses to be licensed.
- A completed DBPR HR-7020, Certificate of Balcony Inspection if the units or houses are 3 or more stories in height and the railings, stairwells and/or balconies are not in common areas.
- **Appropriate Fees:** Fees are based on the number of units to be licensed. An automated fee calculator and fee tables are provided on our website at <http://www.myfloridalicense.com/dbpr/hr/licensing/Apply-License.html>. You also can contact the Customer Contact Center at 850.487.1395 to obtain the correct license fee. In addition to the license fee, there is a one-time application processing fee of \$50.

Licensing Exclusions

The definition of a public lodging establishment does not include (509.013(4)(b), F.S.):

- Any dormitory or other living or sleeping facility maintained by a public or private school, college, or university for the use of students, faculty, or visitors.
- Any facility certified or licensed and regulated by the Agency for Health Care Administration (AHCA) or the Department of Children and Families (DCF) or other similar place regulated under s. 381.0072, F.S. E.g.,

hospitals, nursing homes, assisted living facilities, sanitariums and day care centers.

- Any place renting four rental units or less, unless the rental units are advertised or held out to the public to be places that are regularly rented to transients.
- Any vacation rental or timeshare project that is rented for periods of at least 30 days or 1 calendar month, whichever is less; AND is not advertised or held out to the public as a place regularly rented for periods of less than 1 calendar month, provided that no more than four rental units within a single complex of buildings are available for rent.
- Any migrant labor camp or residential migrant housing permitted by the Department of Health (DOH); under Chapters 381.008-381.00895, F.S. or any mobile home park inspected by the Department of Health (DOH) and regulated under Chapter 513, F.S.
- Any nonprofit organization that operates a facility providing housing only to patients, patients' families, and patients' caregivers and not to the general public.
- Any apartment building inspected by the U.S. Department of Housing and Urban Development (HUD) that is designated primarily as housing for persons at least 62 years of age. This exclusion applies to individual buildings, not entire complexes (unless every building in the complex fits the criteria).
- Any roominghouse, boardinghouse, or other living or sleeping facility that may not be classified as a hotel, motel, apartment, timeshare project, vacation rental, nontransient apartment, bed and breakfast inn, or transient apartment under s. 509.242, F.S.

Sanitation

- Halls, entrances, hall/stair runners and stairways (unless common) shall be clean, ventilated, and well-lighted day and night.
- Kitchen appliances and refrigeration equipment shall be kept clean, free from odors and in good repair.
- If dishes and glassware are provided, you must sanitize them between guests. (Proper warewashing requires a three-compartment sink or commercial dishmachine; OR the operator must post a notice informing guests that the dishes and glassware have not been sanitized according to public food service establishment standards. The notice must include the specific language on the notice available from the division website at <http://www.myfloridalicense.com/dbpr/hr/forms/lo-dging-publications.html>.)
- Toxic items must be properly stored and labeled.

- Potable water shall be supplied and adequate sanitary facilities for guests. E.g., showers, handwash sinks and toilets that are connected to approved plumbing.
- Water from a nonpublic system (e.g., well) shall be sampled and tested at least annually and as required by state water quality regulations.
- The most recent sample report for the nonpublic water system shall be available upon request.
- The kitchen sink is required to have hot and cold running water under pressure.
- Ice making machines must use water from an approved source and shall be constructed, located, installed, operated, and maintained to prevent contamination of the ice.
- Ice machines for customer self-service shall be protected from contamination and equipped so the ice can be automatically dispensed.
- Units must be kept free of vermin.
- If provided:
 - Bedding and linens, sheets and pillowcases, and bedding items (e.g., mattresses, comforters and pillows) must be kept clean and in good condition.
 - Soap must be available either individually wrapped or from a dispenser.
 - Ice buckets shall be cleaned and sanitized between each guest or be provided with a sanitary single-service food-grade liner that is changed daily.

Safety

- A current Certificate of Balcony Inspection (DBPR HR 7020) must be filed with the division every three years, unless exterior balconies and stairwells are “common” elements of a condominium. (For exemption to this requirement, the licensee must provide proof to the division that these areas are common elements.) The balcony certificate is available from the Division of Hotels and Restaurants website at <http://www.myfloridalicense.com/dbpr/hr/forms/lo-dging-publications.html>; by e-mail request submitted at www.myfloridalicense.com/contactus; or by phone request to 850.487.1395.
- Railings shall be installed on all stairways and around all porches and steps.
- Heating and ventilation must be kept in good repair or installed to maintain a minimum of 68 degrees Fahrenheit throughout the building.

- Boiler Certificate required, if needed. (Not required if boiler is located in common area.) A water heating device is considered a boiler if it exceeds any one of the following limits: maximum heat input of 400,000 BTUH; water temperature of 210 degrees Fahrenheit; water capacity of 120 gallons.
- High hazard areas like boiler rooms and laundry rooms shall be kept clean and free of debris and flammables.
- At least one (1) approved locking device is required that cannot be opened by a non-master guest room key on all outside and connecting doors. (Cannot be a sliding chain or hook and eye type of locking device.)
- Smoke alarms must be installed in every living unit.
- Electrical wiring must be in good repair.
- A fire extinguisher must be present, properly charged and accessible.
- If present, fire alarm panel must have power and be maintained.
- Automatic fire sprinklers may be required in Vacation Rental condominiums if the majority of the rental units are located within a single building of three stories or more or greater than 75 feet in height. (If 50% or fewer of the units within the building are rented transiently, a fire sprinkler system is not required.)
- Specialized smoke alarms for the hearing impaired shall be available at a rate of one per every fifty rental units with a maximum of five required.
- Specialized smoke alarms for the hearing impaired shall be available upon request without charge.
- Must meet all local fire authority requirements.

General

- License must be current and renewed annually.
- License shall be conspicuously displayed in the office or lobby (if available) or made available upon request.
- Any change in the number of units must be reported to the division.
- License is not transferrable from one place or individual to another.
- If provided, baby cribs must meet safety standards established by the Consumer Products Safety Commission.

GUIDE TO Vacation Rentals and Timeshare Projects

*For Florida's
Public Lodging Establishments*



Division of Hotels and Restaurants

Florida Department of
**Business & Professional
Regulation**

www.MyFloridaLicense.com/dbpr/hr