

ORDINANCE NO. 2019-_____

SEMINOLE COUNTY, FLORIDA

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA RELATING TO REGISTRATION OF RENTAL PROPERTY; AMENDING CHAPTER 45 (REGULATIONS), BY CREATING PART 7 (REGISTRATION OF RENTAL PROPERTY) OF THE SEMINOLE COUNTY CODE; PROVIDING FOR PURPOSE AND INTENT OF THE ORDINANCE REQUIRING THE REGISTRATION AND MAINTENANCE OF CERTAIN RENTAL PROPERTY BY OWNERS; PROVIDING FOR DEFINITIONS, PENALTIES AND ENFORCEMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION IN THE SEMINOLE COUNTY CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Seminole County desires to protect the public health, safety and welfare of the citizens of the unincorporated area of the County and maintain a high quality of life for the citizens of the County through the maintenance of rental structures and rental properties in the County; and

WHEREAS, to minimize these negative impacts, Seminole County is establishing a property registration process that will identify a contact person to address violations for rental properties which are rented for longer than six (6) months; and

WHEREAS, the County concludes that it is in the best interests of the health, safety, and welfare of its citizens and residents to impose registration requirements of Rental Property located within the County.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. Incorporation of Recitals. The above recitals are incorporated herein by reference and form an integral part of this Ordinance.

Section 2. Short Title. This Ordinance shall be known and referred to as Registration of Rental Property Ordinance.

Section 3. Intent and Purpose. The intent and purpose of this Ordinance is to amend the
Seminole County Code of Ordinances to provide for the registration of and minimum standards by
which rental property shall operate in Seminole County.

Section 4. Sections 45.211 through 45.219 of Chapter 45 (Business Regulation), Part 7
(Registration of Rental Property), are created to read as follows:

CHAPTER 45. BUSINESS REGULATION

* * *

PART 7. REGISTRATION OF RENTAL PROPERTY

Sec. 45.211. Purpose and Intent. It is the purpose and intent of the Board to protect the
health, safety, and welfare of the County and to ensure owners and occupants share responsibility
to prevent and avoid nuisances in the County. The purpose of this Part is to identify Rental Property
in unincorporated Seminole County, to ensure that such properties afford tenants a safe and decent
place to dwell, and to require Rental Property with substandard conditions to meet and maintain
minimum building and housing code standards, exterior maintenance standards, and to reduce
criminal activity. The Board has determined that requiring that all Rental Properties in the
unincorporated portions of Seminole County be registered with the County and providing
authorization for inspections serves these legitimate governmental interests.

Sec. 45.212. Definitions. The following words, terms and phrases, when used in this Part,
shall have the meanings ascribed to them in this section, except where the context clearly indicates
a different meaning.

Enforcement Officer. Any law enforcement officer, building official, zoning inspector,
code enforcement officer, fire inspector, building inspector, or other person authorized by the
County to enforce the applicable code(s).

Landlord. One or more persons or entities, jointly or severally, including a mortgage holder in possession of real property, in whom is vested all or part of the legal title to the premises or all or part of the beneficial ownership and a right to the present use and enjoyment of the premises, who rents, leases, or lets for consideration any Rental Property.

Owner. Every person, entity, Landlord, or mortgagee, who alone or severally with others:

(a) Has legal or equitable title to any Rental Property, dwelling unit, mobile dwelling unit, building, structure, parcel of land, vacant or otherwise, including but not limited to, a mobile home park; or

(b) Has legal care, charge or control of any Rental Property, in any capacity in the County, including but not limited to, agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title; or

(c) Is a mortgagee in possession of any such Rental Property, or is a mortgagee with actual control of access to the Rental Property by any means including, but not limited to, changing locks or putting on a lock box; or

(d) Is an agent, trustee, or other person appointed by the courts and vested with possession or control of any such Rental Property.

The Property Manager shall not be considered the Owner.

Property Manager. Any party designated by the Owner as responsible for inspecting, maintaining and securing the Rental Property as required by this Part.

Rental Property. Any improved structure or portion of a structure within the County which is occupied by someone other than the Owner or Landlord of the real property for residential or commercial purposes for a term of 181 days or longer, including but not limited to the following: any living quarters or accommodations in any hotel, apartment hotel, motel, resort motel,

apartment, apartment motel, rooming house, mobile home, mobile home park, mobile home space,
76 recreational vehicle park, town home, single family home, duplex, condominium or similar
dwelling unit and for which the Owner and/or Landlord receives any value or consideration,
78 including but not limited to money, or the exchange of goods or services, regardless of the
relationship between Landlord and lessee. Each living unit in the improved structure shall be
80 considered a separate Rental Property.

Sec. 45.213. Applicability. These sections shall be considered cumulative and not
82 superseding or subject to any other law or provision for same, but rather be an additional remedy
available to the County above and beyond any other State or the County provisions for same.

84 **Sec. 45.214. Establishment of a Registry.** Pursuant to the provisions of Section 45.215,
the County, or its designee, shall establish a registry cataloging each Rental Property within the
86 County, containing the information required by this Part.

Sec. 45.215. Registration of Rental Property.

88 (a) Every Owner or Landlord of Rental Property, beginning on December 1, 2019,
shall, prior to permitting occupancy thereof by any person, register the Rental Property with
90 Seminole County or a third party vendor authorized by Seminole County, on forms or other manner
as directed. A separate registration is required for each Rental Property. However, if the real
92 property lot or parcel upon which the Rental Property is located contains more than four (4) Rental
Property units under the ownership and control of the same Owner or Landlord, then, upon the
94 registration of four (4) Rental Property units, the remaining Rental Property units under the
ownership and control of the same Owner or Landlord, on the real property lot or parcel are deemed
96 to be registered Rental Property. Registration shall be required annually becoming due on
December 1 every year after the initial registration.

98 (b) Registration pursuant to this Section shall contain the name(s), direct mailing
address, a direct contact name, telephone number, and e-mail address for the Owner and/or
100 Landlord, and, if the Owner and/or Landlord does not reside within fifty (50) miles of the Rental
Property, the name and twenty-four (24) hour contact phone number for the Property Manager.
102 The registration shall also identify the name(s), direct mailing address, a direct contact name,
telephone number, and e-mail address for all persons authorized by the Owner and/or Landlord to
104 occupy the Rental Property.

 (c) At the time of initial registration, each registrant shall pay a non-refundable annual
106 registration fee of FIFTY AND NO/100 DOLLARS (\$50.00) per Rental Property unit. Subsequent
non-refundable annual registrations as required by this Part are due on or before the following
108 December 1, the expiration day of the previous registration. Said fees shall be used to offset the
costs of: (1) registration and registration enforcement, (2) code enforcement and mitigation related
110 to Rental Properties, (3) and for any related purposes as may be adopted in the policy set forth in
this Part. Said fees shall be deposited to a special account in the County's Department dedicated to
112 the cost of implementation and enforcement of this Ordinance and fulfilling the purpose and intent
of this Part. Up to fifty percent (50%) of the registration fee amount, as determined by resolution
114 of the Board of County Commissioners, may be allocated to an Affordable Housing Trust Fund.

 (d) Any person or other legal entity that has registered a property under this section
116 must report any change of information contained in the registration within ten (10) days of the
change.

118 (e) If the Rental Property is sold, the new Owner or Landlord is subject to all the terms
of this Part. If the new Owner does not immediately occupy the property, the new Owner shall
120 register the Rental Property or update the existing registration within ten (10) days of the sale. Any

and all previous unpaid fees, fines, and penalties at the time initial registration and/or renewal
registrations were required are subject to enforcement per this Part. The previous Owner or
Landlord will not be released from the responsibility of paying all previous unpaid fees, fines, and
penalties accrued during that Owner's and/or Landlord's involvement with the Rental Property.
The provisions of this section are cumulative with and in addition to other available remedies.
Moreover, the County is authorized and empowered to collect on the previous Owner's and/or
Landlord's non-payment of previous fees, fines, and penalties in any lawful manner.

(f) If the Rental Property is not registered, or either the registration fee or the renewal
fee is not paid within thirty (30) days of when the registration or renewal is required pursuant to
this section, a late fee equivalent to ten percent (10%) of the registration fee shall be charged for
every thirty (30) day period, or portion thereof, the property is not registered and shall be due and
payable with the registration. This section shall apply to the initial registration and registrations
required by subsequent Owners and/or Landlords of Rental Property. Registrations delinquent
greater than thirty (30) days are also subject to additional fines as described herein.

(g) Failure of the Owner or Landlord of record to properly register or to modify the
registration to reflect a change of circumstances as required by this ordinance is a violation of this
Part and shall be subject to enforcement by any of the enforcement means available to the County.

(h) Registration of a Rental Property does not alleviate the Owner and/or Landlord
from obtaining all required licenses, permits and inspections required by applicable code or Florida
Statutes.

Sec. 45.216. Maintenance Requirements.

(a) Properties subject to this Part shall be kept free of weeds, overgrown brush, dead
vegetation, trash, junk, debris, building materials, any accumulation of newspaper circulars, flyers,

144 notices, except those required by federal, state or local law, discarded personal items including,
but not limited to, furniture, clothing, large and small appliances, printed material, or any other
146 items that give the appearance that the property is abandoned.

(b) In addition to the above, the Rental Property and real property lot or parcel upon
148 which it is located are required to be maintained in accordance with the applicable code(s) of the
County.

150 **Sec. 45.217. Inspections.**

(a) If a Rental Property is not in compliance with applicable code(s), the Owner, or if
152 the Owner does not reside within fifty (50) miles of the Rental Property, the Property Manager
shall perform the work necessary to bring the Rental Property and real property lot or parcel upon
154 which it is located into compliance with the applicable code(s), and the Owner or Property
Manager must perform regular inspections to verify compliance with the requirements of this Part,
156 and any other applicable code(s) and law(s).

(b) In addition to the above, the Rental Property and real property lot or parcel upon
158 which it is located are required to be secured in accordance with the applicable code(s) of the
County.

(c) Failure of the Owner of record to properly inspect and secure a Rental Property and
160 real property lot or parcel upon which it is located as required under this Part and applicable code(s)
162 is a violation and shall be subject to enforcement by any of the enforcement means available to the
County. The County may take the necessary action to ensure compliance with this section and
164 recover costs and expenses in support thereof as permitted by law.

Sec. 45.218. Violations Procedure.

(a) The response to a potential violation of Sections 45.211 through 45.219 of the Seminole County Code of Ordinances may, without limitation, be addressed by the provisions of Sections 53.14 and 53.24, Seminole County Code of Ordinances, regarding violations procedure.

(b) Complaints of violations of these Sections are to be filed by affected members of the general public with the Enforcement Officer. Code violations can be reported to the Seminole County Sheriff's Office at (407) 665-6650 or online at <https://www.seminolesheriff.org/forms/ReportCodeViolation.aspx>.

(c) The regulations of Rental Property as set forth in Sections 45.218 through 45.219 of the Seminole County Code of Ordinances do not authorize persons to violate applicable restrictive covenants or homeowner/property owner association rules and regulations. The County does not police or enforce private restrictive covenants or homeowner/property owner association rules and regulations. Persons obtaining a Rental Property registration receipt under Sections 45.211 through 45.219 of this Code are solely responsible for compliance with all applicable restrictive covenants and homeowner/property owner association rules and regulations.

Sec. 45.219. Provisions Supplemental. Nothing contained in this Part shall prohibit the County from enforcing its codes by any other means, including, but not limited to, injunction, abatement, or as otherwise provided by law or ordinance.

Section 5. Conflicts. This Ordinance shall control over any ordinances or part of ordinances in conflict herewith.

Section 6. Codification. It is the intention of the Board of County Commissioners that the provisions of this Ordinance will become and be made a part of the Seminole County Code, and that the word “ordinance” may be changed to “section”, “part”, or other appropriate word or

188 phrase and the sections of this Ordinance may be renumbered or re-lettered to accomplish such
intention, except that Sections 1, 2, 3, 5, 6, 7 and 8 of this Ordinance are not to be codified.

190 **Section 7. Severability.** If any provision or application of this Ordinance to any person
or circumstance is held invalid, then it is the intent of the Board of County Commissioners that
192 such invalidity will not affect other provisions or applications of this Ordinance that can be given
effect without the invalid provision or application and, to this end, the provisions of this Ordinance
194 are declared severable.

Section 8. Effective date. This Ordinance will take effect upon filing a copy of this
196 Ordinance with the Department of State by the Clerk to the Board of County Commissioners.

[The balance of this page was left intentionally blank. Signatures on following page.]

BE IT ORDAINED by the Board of County Commissioners of Seminole County, this

198 _____ day of _____, 20____.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

GRANT MALOY
Clerk to the Board of
County Commissioners of
Seminole County, Florida

BRENDA CAREY, Chairman

PHC/sjs/org/LPC
6/14/19
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