



NAPLES • MARCO ISLAND  
EVERGLADES  
FLORIDA'S PARADISE COAST



# Short Term Vacation Rentals

- At the January, 2019 TDC meeting, the Board recommended a review of private transient rentals (six months or less) in Collier County including:
  1. History of the vacation rental business in Collier County.
  2. How many and where are the vacation rentals located in Collier County.
  3. How other Florida Counties are addressing this issue.
  4. Recommendations to BCC for further action.



## **1.a History of vacation rental business in Collier County**

- **The Collier County Land Development Code (LDC) has a provision that prohibits short-term rental of six months or less in certain parts of the unincorporated area.**
- **The six month rental period is provided for in the LDC within the definition of a “Destination Resort Hotel”. This has been the basis for what is considered “transient lodging, of less than six months”.**
- **The LDC definition lists transient lodging as “less than six months occupancy”**
- **Unless the Zoning District lists “transient lodging” as a permitted use, then anything less than 6 months occupancy would be prohibited.**
- **RT Zoning in Collier County is the only residentially zoned district that permits transient lodging.**



## **1.b History of vacation rental business in Collier County -The LDC Definition**

E. Residential Tourist District (RT). The purpose and intent of the residential tourist district (RT) is to provide lands for tourist accommodations and support facilities, and multiple family uses. The RT district corresponds with and implements the urban mixed use district and the activity center district in the urban designated area on the future land use map of the Collier County GMP.

1. The following subsections identify the uses that are permissible by right and the uses that are allowable as **accessory** or **conditional uses** in the residential tourist district (RT).

a. *Permitted uses.*

1. **Hotels and motels .**
2. **Multi-family dwellings .**
3. **Family care facilities ,** subject to [section 5.05.04.](#)
4. **Timeshare facilities.**
5. **Townhouses** subject to [section 5.05.07.](#)





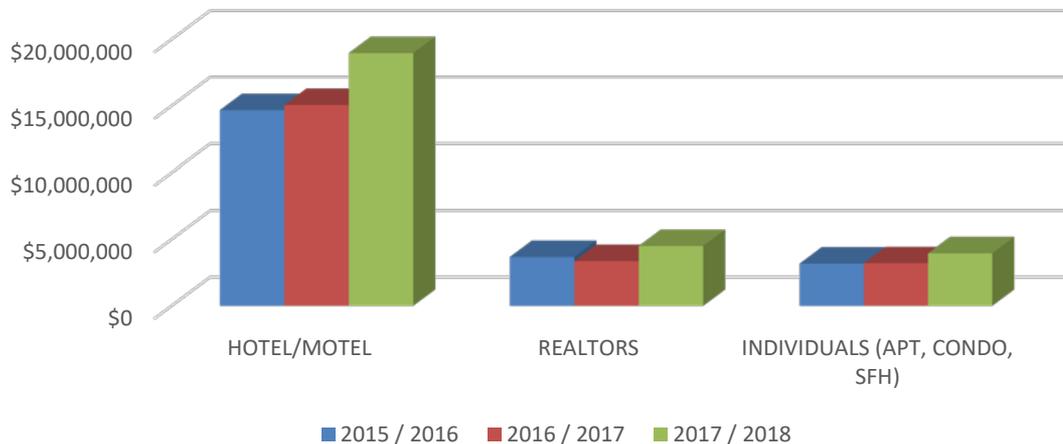
# 1.c History of vacation rental business in Collier County – TDT Collections

COLLIER COUNTY TAX COLLECTION GRAPH

| FISCAL YEAR | HOTEL/MOTEL  | REALTORS    | INDIVIDUALS (APT, CONDO, SFH) |
|-------------|--------------|-------------|-------------------------------|
| 2015 / 2016 | \$14,670,210 | \$3,675,474 | \$3,174,217                   |
| 2016 / 2017 | \$15,057,904 | \$3,359,169 | \$3,203,243                   |
| 2017 / 2018 | \$18,962,985 | \$4,498,991 | \$3,948,189                   |

THREE YEARS POSITIVE OVERALL GROWTH

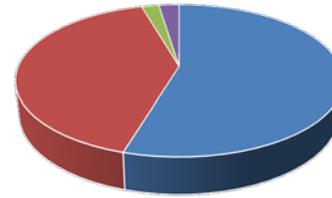
THREE YEAR TOTAL ANNUAL TDT COLLECTIONS



## **2. How many short term vacation rentals are located in Collier County?**

- In 2019, Collier County has available on average 14,650 short term vacation rental listings on websites such as:

- VRBO (8,000 units)
- HomeAway (6,000 units)
- Airbnb (300 units)
- Craig's List (350 units)



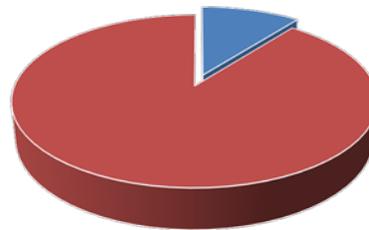
■ VRBO ■ HomeAway ■ Airbnb ■ Craig's List

- The above totals include many of the same rental units listed on multiple websites
- Largest concentrations are primarily west and south of I-75 including Naples Park, Pelican Bay, Pelican Marsh, Park Shore, Naples Downtown, Lely, Fiddler's Creek and Marco Island.
- A 2018 research paper by Casey Perkins, Chief of Policy Research for Florida Assoc. of Counties FAC), reported, there were 7,310 short term vacation rental listings in Collier County at the close of 2017.

### 3.a How are other Florida Counties addressing this issue?

- All thirty five (35) Florida Beach Counties assess Tourist Development Taxes which includes Short Term Vacation Rentals (Condos and Single Family Homes).
- Of the 38 Counties researched, all have short term vacation rentals listed with VRBO, and the majority also have listings with Airbnb.
  - In 2018, Airbnb hosts paid more than \$10 million in taxes to Miami-Dade County
  - Broward County received \$5.2 million in taxes from Airbnb hosts.
- Thirty four (34) of those 38 counties have County Ordinances relating to short term vacation rentals of less than 6 months.

FL Counties with a Short Term Vacation  
Rental Ordinance



■ Do not have an Ordinance ■ Have an Ordinance



## **3.b How other Florida Counties are enforcing short term vacation rentals**

- **City of Miami Beach**
  - \$20,000 fine for renting a property without a County license.
  - Short Term Vacation Rental Units are only allowed in Multi-Family Districts.
- **Miami-Dade County**
  - Operating a vacation rental without a Certificate of Use is a violation of the County Code and the civil penalty schedule as follows:
    - 1st Offense = \$100; 2d Offense = \$1,000; 3rd Offense = \$2,500
- **Flagler County** –
  - Requires registration for Single Family and allows for, “By Right” for Multifamily
  - Requires initial and routine building and fire inspections
- **Other Florida Counties have some of these enforcement considerations:**
  - Differentiate between entire house/unit vs. room
  - Single Family vs. Multifamily
  - Only allow for homesteaded properties
  - Require registrations and inspections
  - Establish specific processes, policies and penalties for violations



## **Short Term Vacation Rental Considerations**

- **Some travelers prefer short-term home/condo rental accommodations.**
  - Air BnB Research indicates the vast majority of their customers will only choose a vacation rental for their future travel accommodations
- **Collier Tax Collector indicates they believe the majority of vacation rental owners are collecting Tourist Development Tax and Sales Tax.**
- **Collier Tax Collector needs transparency to identify vacation rental owners who collect and remit TDT and Sales Taxes to audit compliance.**
- **High-season vacation rentals help meet the heightened demand for visitor accommodations in Collier County.**
  - Current High Season hotel occupancy averages 96%

## State of Florida Legislation

**1. Current Florida Statute limits local government regulation (Section 509.032(7), - 2011 (HB 883) Provides that local governments may not restrict, prohibit, or regulate vacation rentals. Laws, Policies, Regulations enacted prior to June 1, 2011 are grandfathered (includes Collier County).**

### **2. Short Term Lodging Bills filed to date in the 2019 Legislative Session:**

- **SB 812 relating to Vacation Rentals** by Sen. Simmons (R, Longwood) requires a person engaged in **certain public lodging-related transactions to display a valid certificate of registration number in rental listings or advertisements.** The bill revises the inspection responsibilities of the Division of Hotels and Restaurants (DBPR) **Page 3 of 6 regarding vacation rentals and specifies the conditions under which a notice to depart the premises is effective. The bill was filed on February 6, 2019** and has not been assigned to any committee references.
- **824 Private Property Rights of Homeowners** by Sen. Diaz (R, Hialeah Gardens) **preempts the regulation of vacation rentals to the state and requires each person applying for a vacation rental license to provide the Division of Hotel and Restaurants of the Department of Business and Professional Regulation with specified information.**
- **BILL #: CS/HB 773 Vacation Rentals, The bill allows local laws, ordinances, or regulations to regulate activities that arise when a property is used as a vacation rental** provided the regulations apply uniformly to all residential properties without regard to whether the property is used as a vacation rental as defined in s. 509.242, F.S., or a long-term rental subject to the provisions of Ch. 83, F.S., or whether a property owner chooses not to rent the property. **The bill retains the current preemption of local governments that prohibits a local law, ordinance, or regulation from prohibiting vacation rentals or regulating the duration or frequency of vacation rentals. However, the bill authorizes the duration or frequency requirements of such local law enacted by a local government prior to June 1, 2011 can be amended to be less restrictive.**

# Enforcement Considerations

- On-line registration and voluntary compliance
  - Business Tax Receipt; DPPR, Tourist Tax, Sales Tax
- Affidavit agreeing to comply with applicable County Building and Fire Codes
- Spot checks for compliance
- Open Code Case to investigate complaints
  - Develop checklist with Fire & Building Departments
- Establish penalties for non-compliance



# Decision Points

- **Recommend to the Board a clarification in the definition of short term vacation rentals for enforcement. Suggestions could include:**
  - **County policy that prohibits short term vacation rentals:**
    - of less than seven (7) days,
    - or less than 30 days,
    - or less than 3 months



- **Any new County policy should include public meetings with tourism stakeholders, residents, realtors, vacation rental agencies visitors**



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DISCUSSION- RECOMMENDATIONS

