RESOLUTION NO. 2023-03

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF LAZY LAKE, FLORIDA, ESTABLISHING A FEE SCHEDULE RELATIVE TO THE ADMINISTRATION OF VACATION RENTALS PURSUANT TO ORDINANCE NUMBER 2022-1 OF THE VILLAGE'S CODE OF ORDINANCES; AUTHORIZING THE MAYOR AND STAFF TO CREATE A VACATION RENTAL APPLICATION AND AUTHORIZING THE MAYOR TO HIRE CONSULTANTS TO ASSIST WITH APPLICATION PROCESSING AND INSPECTIONS; PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Section 166.221, F.S., provides that a municipality may levy reasonable business, professional, and occupational regulatory fees, commensurate with the cost of the regulatory activity, including consumer protection, on such classes of businesses, professions, and occupations, the regulation of which has not been preempted by the state or a county pursuant to a county charter; and

WHEREAS, Section 509.032(7), F.S. preempts the regulation of public lodging establishments to the state; however, the law does not preempt the inspection of public lodging establishments by local government for compliance with the Florida Building Code and the Florida Fire Prevention Code or any local law, ordinance, or regulation that does not prohibit vacation rentals or regulate the duration or frequency of rental of vacation rental; and

WHEREAS, on May 31, 2022, the Village Council of the Village of Lazy Lake ("Village Council") adopted Ordinance 2022-1, thereby establishing certain regulations for vacation rentals in accordance with the requirements of Florida law; and

WHEREAS, Ordinance 2022-1 of the Village's Code of Ordinances authorizes the Village Council, by resolution, to establish fees for the administration of the Village's vacation rental ordinance; and

WHEREAS, the Village Council has considered a cost recovery analysis of the time and resources that will be expended in processing vacation rental registrations and issuing certificates of compliance for vacation rentals; and

WHEREAS, the Village Council finds that adopting fees for vacation rentals, as set forth in this resolution, is in the best interest of the citizens and residents of the Village.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF LAZY LAKE, FLORIDA, THAT:

Section 1. The foregoing Whereas clauses are true and correct and incorporated herein.

Section 2. The Village Council hereby approves and adopts the following fees for vacation rentals:

a.	Initial registration fee	$750.00
b.	Annual renewal fee (including annual inspection) (Registration shall be from October 1 through September 30)	$350.00
c.	Pre-inspection fee (Ord. 22-1, Section 8A)	$260.00
d.	"No-Show" fee (Ord. 22-1, Section 8C)	$139.00
e.	Certificate of Occupancy or Change of Use Fee	$139.00

Section 3. **Late Fees.** Those vacation rental registrations not renewed annually by October 1 shall be considered delinquent and shall be subject to a late fee penalty equal to ten percent (10%) of the annual renewal fee per month for each month, or portion thereof, that vacation rental is delinquent.

Section 4. The above fee schedule is derived from a cost recovery analysis based on direct costs of providing service, regulation, and administration of the Village's vacation rental program.

Section 5. The Mayor and staff are authorized to create an application and other documents for vacation rentals which complies with this Resolution and the Mayor is authorized to hire consultants to process applications, perform inspections, and perform other duties consistent with Ordinance 2022-1.

Section 6. The Mayor and staff are authorized to send letters to property owners advising them of the new regulations and application requirements.

Section 7. All Resolutions or parts of Resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

Section 8. If any clause, section or other part of this Resolution shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered eliminated and will in no way affect the validity of the other provisions of this Resolution.

Section 9. This Resolution shall become effective immediately upon its passage and adoption.

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PASSED AND ADOPTED BY THE VILLAGE COUNCIL OF THE VILLAGE OF LAZY LAKE, FLORIDA, THIS 8th DAY OF JUNE, 2023.

ROLL CALL

Council Member	**Voice Vote**		**Absent**
Patrick Kaufman	Yea _x_	Nay ___	___
Carlton Kirby	Yea ___	Nay ___	_x__
Ray Nyhuis	Yea _x_	Nay ___	___
Jeff Grenell	Yea _x_	Nay ___	___
Robert Strusinski	Yea _x_	Nay ___	___

Richard Willard, Mayor

ATTEST:

Tedra Allen
Administrative Assistant

APPROVED AS TO LEGAL FORM:

Pamala H. Ryan
Village Attorney