



Town of Highland Beach
3614 South Ocean Blvd; Highland Beach, FL 33487
Phone: (561) 278-4540; Fax: (561) 278-2606

Vacation Rental Registration Form

The registration of a vacation rental from the Town of Highland Beach does not exempt the applicant from obtaining the appropriate documentation and/or licenses from the Florida Department of Business and Professional Regulation, Florida Department of Revenue and Palm Beach County Tax Collector or any other county or state required permits. A Vacation Rental cannot operate without the Town's approval and a separate registration form is required for each Vacation Rental unit.

If a property is located within a condominium or is subject to a property owner's association or homeowner's association or the like, it is the applicant's responsibility to verify that short-term rentals/vacation rentals are allowed within the community.

Before submitting your registration to the Town, you must obtain the following documentation.

Section I Type of Registration and Property Description

New Registration Biennial Renewal

Property Description:

Parcel identification number: _____

Single-family _____ Duplex unit _____ Condominium unit _____

Number of bedrooms: _____

Number and location of onsite parking spaces (include map if needed):

Section II Property Owner Information

Owner Name: _____ Phone: _____

Address: _____

Email: _____

Vacation rental property address (include unit number if applicable):

Section III Authorized Agent (if applicable)

Authorized Agent Name: _____ Phone: _____

Company Name: _____

Address: _____

Email: _____

Section IV Responsible Party Information (provide 24hr contact details)

Each vacation rental must designate a responsible party to respond to routine inspections as well as non-routine complaints and any other problems related to the operation of the vacation rental. The property owner may serve in this capacity or shall otherwise designate another person eighteen (18) years or older to perform the duties required by the Town Code.

Name: _____

Address: _____

24hr Phone: _____ Alternate Phone: _____

Email: _____

Section V Required Documentation

Before submitting your registration to the Town, you must obtain the following documentation.

Proof of ownership (one of the following proofs of ownership must be submitted):

- Copy of a recorded deed.
- Recent profile from Palm Beach County Property Appraiser.
- Verification of active status for corporate owners.
- Taxpayer identification number for owners not U.S. citizens.

Note: Please initial each item below to confirm your acknowledgement and compliance:

Attach the following with this application:

- Attach Application Fee (All fees are Payable to the Town of Highland Beach.)
- Copy of the Florida Department of Business and Professional Regulation License as a transient public lodging establishment/vacation rental;
- Copy of the Vacation Rental's current and active Certificate of Registration with the Florida Department of Revenue for the purpose of collecting and remitting sales taxes, transient rental taxes and any other taxes required by law to be remitted, as applicable;
- Proof of the establishment of an account with the Palm Beach County Tax Collector for the payment of tourist development taxes or that payment is arranged through a third party;
- Copies of the postings required by Section VII of this application; and
- Copy of a sample lease agreement.

Section VI Vacation Rental Standards

Inspection by the Town to verify compliance with the requirements of Chapter 34, "Regulation of Vacation Rental Units" is required subsequent to the initial registration. Non-compliance with the requirements of this division discovered during any inspection shall be treated as a violation of the Town Code and be processed in accordance with the Code.

Note: Please initial each item below to confirm your acknowledgement and compliance:

All vacation rental units, whether single-family homes, duplexes, condominium units, three (3) or four (4) unit complexes, or multiple family complexes, must meet the minimum standards for habitable structures set forth in the Florida Building Code, the Florida Fire Code, the Florida Life Safety Code; and the zoning code of the Town of Highland Beach.

Minimum standards and requirements

- *Swimming pool, spa, and hot tub safety.* An in-ground or above-ground swimming pool, spa, or hot tub offered or made available as an amenity at a vacation rental unit shall comply with current standards of the Residential Swimming Pool Safety Act, F.S. ch. 515. The property owner or rental agent shall cause the swimming pool drain system, any underwater lighting system, and the electrical pump system of such swimming pools, spas, and hot tubs to be inspected annually by an appropriately licensed technician. Proof of such inspection within the previous twelve (12) months from the date of the request shall be provided to the Town upon request.
- *Swimming pool, spa and hot tub screening.* In all vacation rental units located in the Town that have in-ground and above-ground swimming pools, spas, and hot tubs shall be screened by a six-foot, one hundred (100) percent opaque on all sides (except waterfront sides) fence. Swimming pool equipment shall be separately screened on all open sides with a six-foot one hundred (100) percent opaque fence.
- *Bedrooms.* All bedrooms within a vacation rental unit shall meet the applicable requirement of the Florida Building Code, and the Florida Fire Code and Life Safety Code.
- *Smoke and carbon monoxide (CO) detection and notification system.* A working smoke alarm and carbon monoxide (CO) alarm system shall be present within the vacation rental unit and maintained on a continuing basis consistent with the requirements of Section R314, Smoke Alarms, and Section R315, Carbon Monoxide Alarms, of the Florida Building Code.
- *Fire extinguisher.* A portable, multi-purpose dry chemical 2A:10B:C fire extinguisher shall be installed, inspected and maintained in accordance with NFPA 10 on each floor of a vacation rental unit. The extinguisher(s) shall be installed on the wall in an open common area or in an enclosed space with appropriate markings visibly showing the location of the fire extinguisher.
- *Emergency egress maintenance and lighting.* Halls, entrances and interior stairways within a vacation rental unit shall be clean, ventilated and lighted. Hall and stair runners shall be kept in good condition. Rails shall be installed on all stairways and around all porches and steps.
- *Parking.* All vacation rental units within the Town are required to provide parking spaces in accordance with the Town Code of Ordinances.

Lease requirements.

— There shall be a written or online lease, rental, tenant or other recorded agreement memorializing each vacation rental tenancy between the owner or responsible party and the occupant(s). The agreement shall, at minimum, contain the following information:

- The maximum number of occupants for the unit;
- The number of parking spaces associated with the vacation rental unit, if applicable, and the location of such spaces;
- The names and ages of all persons who will be occupying the unit;
- The dates of such occupancy; and
- A statement that all occupants must evacuate from the vacation rental following any evacuation order issued by local, state, or federal authorities.

Vacation rental responsible party.

— Each vacation rental must designate a responsible party to respond to routine inspections as well as non-routine complaints and any other problems related to the operation of the vacation rental. The property owner may serve in this capacity or shall otherwise designate another person eighteen (18) years or older to perform the following duties:

- Be available by telephone at listed phone number twenty-four (24) hours per day, seven (7) days per week and capable of handling any issues relating to the operation of the vacation rental;
- If required, be willing and able to come to the vacation rental within two (2) hours following notification from an occupant, the owner, or the Town to address any issues relating to the operation of the vacation rental;
- Maintain a record of all lease or rental agreements for the vacation rental;
- Receive service of any legal notice on behalf of the owners for violation of the requirements set forth in this division; and
- Otherwise monitor the vacation rental to ensure compliance with the requirements set forth in this division.

Other regulations.

— Vacation rentals must comply with all other regulations, standards and requirements set forth in the Town Code of Ordinances, including, but not limited to, the requirements of Chapter 4 (Animals), Chapter 5 (Beaches and Boats), Chapter 16 (Motor Vehicles and Traffic), Chapter 17 (Nuisances), Chapter 28 (Offenses and Miscellaneous provisions), and Chapter 30 (Zoning).

Section VII Required Postings

Note: Please initial each item below to confirm your acknowledgement and compliance:

Minimum required postings of vacation rental information. In each vacation rental unit, either posted in a conspicuous place on a single page, or in a tabbed notebook, there shall be the following information:

— The name, address and phone number of the vacation rental agent or owner;

- The maximum occupancy of the vacation rental unit;
- The days and times of solid waste, recyclables and yard waste pick up;
- The location and phone number of the nearest hospital and urgent care facility;
- The maximum number of vehicles that can be parked at the vacation rental unit;
- Notice of sea turtle nesting season and sea turtle lighting regulations, if applicable; and
- Notice that quiet hours are to be observed between 10:00 p.m. and 7:00 a.m. daily, and that during these hours no excessive or boisterous noise or sound is permitted;
- A legible copy of the building evacuation map, minimum eight and one-half (8½) by eleven (11) inch (letter sized paper) shall be posted at the main entrance door and one other door leading to the exterior of the structure.

If the agent or owner of a vacation rental unit elects to provide the tenant with a notebook of information, the cover of the notebook must alert the tenant to its contents by posting "important information and emergency numbers" on the front of the notebook.

Section VIII Owner and Registered Agent Signature

By executing this Registration Form, I, the undersigned, expressly acknowledge and agree to the following:

I have been provided with a copy of Chapter 34 of the Town Code of Ordinances ("Regulation of Vacation Rental Units") and have reviewed same. I intend to operate the vacation rental in compliance with Chapter 34.

I fully understand the definition of "vacation rental unit(s)" as set forth in Section 34-4 of the Town Code of Ordinances.

I understand I am required to renew the Vacation Rental Registration biennially, by October 1st, and that any change(s) to the information or submittals included within the initial or renewal registration must be reported to the Town.

I understand and agree to inspections of the property by the Town on reasonable notice in order for the Town to assure compliance with the Vacation Rental Regulations of Chapter 34 of the Town Code of Ordinances.

Under penalty of perjury, I certify that all of the information supplied with this Registration Form is true and accurate and agree to abide by all conditions and requirements in the Town's Vacation Rental Regulations.

Owner Name: _____

Owner Signature: _____ Date: _____

ADMINISTERED OATH
SWORN TO & SUBSCRIBED BEFORE ME THIS

Personally Known: _____ or I.D.: _____

_____ DAY OF _____, 20_____

Signature of Notary



Authorized Agent Name: _____

Authorized Agent Signature: _____ Date: _____

ADMINISTERED OATH
SWORN TO & SUBSCRIBED BEFORE ME THIS

Personally Known: _____ or I.D.: _____

_____ DAY OF _____, 20_____

Section IX. OFFICE USE ONLY (to be completed for approved registrations only)

Registration Fee Paid (circle one): Yes / No

Date: _____ Zoning 561-278-4540 _____

Date: _____ Building 561-278-4540 _____

Date: _____ Fire Marshall 561-243-7400 _____

Date: _____ Other _____

To be completed for approved registrations only

Staff Member Name: _____ Signature: _____

Registration Date: _____ Registration Number: _____

Chapter 34 REGULATION OF VACATION RENTAL UNITS

Sec. 34-1. Purpose and intent.

The purpose of this chapter is to establish and enforce standards for vacation rental units in the town in a manner which protects the residential character and quality of life in the neighborhood where the vacation rental units are located while not unduly restricting the owner of the vacation rental unit from use of the vacation rental property. The statutory authority for this regulation is found in F.S. § 509.032(7). Further, this vacation rental ordinance shall be construed and implemented to achieve the following intent and purposes of the town commission:

- (1) To establish the regulations, procedures and standards for the review and approval of all vacation rental units in the town;
- (2) To preserve and foster the public health, safety, aesthetics, and general welfare, quiet enjoyment, and to aid in the harmonious and orderly development of the town in accordance with its comprehensive plan;
- (3) To establish a review process that is efficient in terms of time and expense; effective in addressing the impacts of vacation rental units; and equitable with regard to regulations and procedures, while respecting the rights of property owners;
- (4) To implement the town's comprehensive plan;
- (5) To ensure the safety of structures that are used as vacation rental units and/or short term rentals.

(Ord. No. 19-002 , § 2, 8-6-19)

Sec. 34-2. Interpretation.

- (a) In the interpretation and application of this chapter, all standards, criteria and requirements shall be liberally construed in favor of the purposes and goals of the Town of Highland Beach as set forth in its comprehensive plan and deemed neither to limit nor repeal any other lawful regulatory powers of the town.

Where this chapter conflicts with or overlaps other ordinances or regulations, the more stringent shall prevail.

If any issue arises concerning the application of regulations, definitions, development criteria, performance standards or any other provisions of this chapter, the town manager, or designee, shall be responsible for their interpretation. Responsibility for interpretation by the town manager, or designee, shall be limited to standards, regulations and requirements of this chapter. Such responsibility shall not be construed to substitute for or abrogate any right or responsibilities specified to the town commission or any board or official named in other sections of the town's Code of Ordinances. The town manager, or designee, shall rely upon the goals, objectives and policies adopted in the Town of Highland Beach comprehensive plan in making any such interpretation.

- (b) Administrative decisions of the town manager, or designee, including official interpretations of this section are final decisions. Any party who has been adversely affected by an interpretation made by the town manager, or designee, or who has been denied a vacation rental certificate may seek review of such decision by filing a written appeal to the town's special magistrate/code enforcement board within thirty (30) days after the decision is rendered.

(Ord. No. 19-002 , § 2, 8-6-19)

Sec. 34-3. General framework.

This chapter addresses specific issues relevant to use of vacation rental units and also contains appropriate cross references to the town's zoning code, and other town ordinances.

(Ord. No. 19-002 , § 2, 8-6-19)

Sec. 34-4. Definitions.

The following rules shall be observed in the application and interpretation of provisions of this chapter, except when the context clearly requires otherwise:

- (1) The words "shall," "should" or "must" are mandatory; the word "may" is permissive.
- (2) Words used or defined in one tense or form shall include other tenses or derivative forms.
- (3) Words in the singular shall include the plural; words in the plural shall include the singular; words in the masculine shall include the feminine.
- (4) The word "includes" shall not limit a term to the specified examples, but is intended to extend its meaning to all other instances or circumstances of like kind or character.
- (5) The word "used" or "occupied" includes the words intended, designed or arranged to be used or occupied.
- (6) In the event of a conflict between the text of this chapter and any illustrations, captions, figures or other graphic material, the text shall control.
- (7) Unless specifically defined below, words or phrases used in this chapter shall have the meaning of common usage, which gives this chapter its most reasonable application.

Unless the context shall clearly require otherwise, the following terms shall have the following meanings for purposes of this chapter:

Bedroom means a room or space in which people sleep, which is a minimum of seventy (70) square feet in floor area, and is physically separated from the main living area of a residence, is not a part of the common living area and has a storage closet.

Irreversible violation means any action, deed or accomplishment that is incapable of being reversed.

Repeat violation means a violation of a provision of this chapter or other town ordinances by a person or legal entity that has previously been found to be in violation or has previously accepted and paid a citation issued by the town for the same provision of a town code or ordinance within three (3) years prior to the subsequent charge of violation.

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 (3) times in a calendar year for periods of less than thirty (30) days or one calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests.

Vacation rental occupancy means occupancy when it is the intention of the parties that the occupancy will be temporary. There is a rebuttable presumption that, when the dwelling unit occupied is not the primary residence of the guest, the occupancy is transient.

Vacation rental occupant means any person that is present at the vacation rental unit as a lessee or overnight guest of the lessee.

Vacation rental unit(s) means 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.

(Ord. No. 19-002 , § 2, 8-6-19)

Sec. 34-5. Application for vacation rental certificate.

- (a) Within one hundred eighty (180) days of the effective date of the vacation rental ordinance, the town will establish the process for obtaining a vacation rental certificate. Once the application process is established, the town will notify the owners or agents of properties with existing rental business tax receipts that the vacation rental certificate application process is available. The town will also place a notice in the newspaper that the vacation rental application process is available. All owners of properties used as vacation rental unit shall be required to submit an application for a vacation rental certificate on a form promulgated by the town within ninety (90) days of the notice sent by the town. If an application together with the required application fee is received prior to the deadline, the property owner will be allowed to continue renting the property while the application is being processed by the town and inspections are scheduled; provided the owner has a valid business tax receipt issued by the town. The town will also allow for a reasonable amount of time for the property to come into compliance in the event of a failed inspection.
- (b) At a minimum, the vacation rental application shall include, but not be limited to the following truthful information:

Property management

- Name
- Address
- Phone
- Local emergency and contact phone
- E-mail address

Property owner

- Name
- Address
- Phone
- Local emergency contact and phone
- E-mail address

Vacation rental unit address

- Number and street address
- The name of the vacation rental property, if any

Proof of ownership (one of the following proofs of ownership must be submitted)

- Copy of a recorded deed (as an attachment)
- Recent profile from property appraiser (as an attachment)
- Verification of active status for corporate owners (as an attachment)

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- Taxpayer identification number for owners not U.S. citizens

Parcel identification number (assigned by the county property appraiser)

Property description type

- Single family
- Duplex unit
- Condominium unit (proof of active condominium association as attachment)

Occupancy

- Number of bedrooms

Parking

- Number and location of onsite parking spaces

(c) The property owner of an agent or the property owner shall submit an application to the town for each vacation rental unit attesting to the following:

- (1) That the property complies with FEMA regulations limiting the use of ground level space;
- (2) That the property owner or agent has an active license from the department of business and professional regulation (DBPR) for use of the property as a public lodging establishment;
- (3) That the property owner or agent has an active resale certificate for sales tax issued by the state;
- (4) That the property owner or agent collects and remits the required tourist development tax pursuant to F.S. ch. 212;
- (5) That the vacation rental property complies with all ordinances of the town.

(d) Payment of fees as set forth in section 34-8 below.

(e) The town has the discretion to request any additional information required to demonstrate compliance with all state laws and town ordinances including but not limited to parking plans, landscaping plans, surveys, etc.

(f) The town may revise the application requirements by resolution.

(g) The initial application including a satisfactory inspection is valid for two (2) years.

(h) A change of ownership of a vacation rental property invalidates the vacation rental certificate of the previous owner, and causes a new application and satisfactory inspection to be obtained.

(Ord. No. 19-002 , § 2, 8-6-19)

Sec. 34-6. Standards and requirements.

(a) All vacation rental units, whether single-family homes, duplexes, condominium units, three (3) or four (4) unit complexes, or multiple family complexes, must meet the minimum standards for habitable structures set forth in the Florida Building Code, the Florida Fire Code, the Florida Life Safety Code; and the zoning code of the Town of Highland Beach.

(1) *Swimming pool, spa, and hot tub safety.* An in-ground or above-ground swimming pool, spa, or hot tub offered or made available as an amenity at a vacation rental unit shall comply with current standards of the Residential Swimming Pool Safety Act, F.S. ch. 515. The property owner or rental agent shall cause the swimming pool drain system, any underwater lighting system, and the electrical pump system of such swimming pools, spas, and hot tubs to be inspected annually by an appropriately licensed

technician. Proof of such inspection within the previous twelve (12) months from the date of the request shall be provided to the town upon request.

- (2) *Swimming pool, spa and hot tub screening.* In all vacation rental units located in the town that have in-ground and above-ground swimming pools, spas, and hot tubs shall be screened by a six-foot, one hundred (100) percent opaque on all sides (except waterfront sides) fence. Swimming pool equipment shall be separately screened on all open sides with a six-foot one hundred (100) percent opaque fence.
- (3) *Bedrooms.* All bedrooms within a vacation rental unit shall meet the applicable requirement of the Florida Building Code, and the Florida Fire Code and Life Safety Code.
- (4) *Smoke and carbon monoxide (CO) detection and notification system.* A working smoke alarm and carbon monoxide (CO) alarm system shall be present within the vacation rental unit and maintained on a continuing basis consistent with the requirements of Section R314, Smoke Alarms, and Section R315, Carbon Monoxide Alarms, of the Florida Building Code.
- (5) *Fire extinguisher.* A portable, multi-purpose dry chemical 2A:10B:C fire extinguisher shall be installed, inspected and maintained in accordance with NFPA 10 on each floor of a vacation rental unit. The extinguisher(s) shall be installed on the wall in an open common area or in an enclosed space with appropriate markings visibly showing the location of the fire extinguisher.
- (6) *Emergency egress maintenance and lighting.* Halls, entrances and interior stairways within a vacation rental unit shall be clean, ventilated and lighted. Hall and stair runners shall be kept in good condition. Rails shall be installed on all stairways and around all porches and steps.
- (7) *Parking.* All vacation rental units within the town are required to provide parking spaces in accordance with the Town Code of Ordinances.

(Ord. No. 19-002 , § 2, 8-6-19)

Sec. 34-7. Use of agents.

- (a) An owner of a vacation rental may designate an agent to manage the unit on his/her behalf. The town will provide a form for such purpose which form must be completed, notarized and submitted to the town. The agent must accept the agent designation on a form provided by the town. The designation of an agent does not relieve the owner of the responsibility to comply with all state and local statutes and ordinances.
- (b) An agent who accepts a designation to act on behalf of a vacation property owner is held to the same standard as the property owner with respect to compliance with all statutes and ordinances and may be cited for non-compliance with any code, rule or ordinance applicable to the vacation rental unit or property.
- (c) A vacation rental property owner can withdraw an agent authorization by submitting a new properly executed agent authorization form to the town. The town may rely on the latest form it has of the owner's intent.

(Ord. No. 19-002 , § 2, 8-6-19)

Sec. 34-8. Fees.

The fees for the vacation rental registration process shall be as set forth in the schedule of fees as adopted by resolution of the town commission.

(Ord. No. 19-002 , § 2, 8-6-19)

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Sec. 34-9. Solid waste handling and containment.

Vacation rental property owners must comply with the town's code and franchise agreement provisions regarding the collection, placement and use of garbage containers.

(Ord. No. 19-002 , § 2, 8-6-19)

Sec. 34-10. Quiet hours.

All occupants of vacation rental units must comply with the town's noise ordinance.

(Ord. No. 19-002 , § 2, 8-6-19)

Sec. 34-11. Vacation rental units advertising requirement.

All advertising for vacation rental units shall state the maximum occupancy limit of the vacation rental unit, and the maximum parking available on the property. Advertisements that do not contain this information or that contain inaccurate information shall be deemed a violation of this section. The vacation rental certificate number shall be included on all advertising, including, but not limited to print and internet-based advertising. The advertising must also comply with all other applicable regulations imposed by any other governmental entity.

(Ord. No. 19-002 , § 2, 8-6-19)

Sec. 34-12. Required posting of vacation rental information.

- (a) In each vacation rental unit, either posted in a conspicuous place on a single page, or in a tabbed notebook, there shall be the following information:
 - (1) The name, address and phone number of the vacation rental agent or owner;
 - (2) The maximum occupancy of the vacation rental unit;
 - (3) Notice that quiet hours are to be observed between 10:00 p.m. and 7:00 a.m. daily, and that during these hours no excessive or boisterous noise or sound is permitted;
 - (4) The maximum number of vehicles that can be parked at the vacation rental unit;
 - (5) The days and times of solid waste, recyclables and yard waste pick-up;
 - (6) Notice of sea turtle nesting season and sea turtle lighting regulations, if applicable; and
 - (7) The location and phone number of the nearest hospital and urgent care facility.
- (b) If the agent or owner of a vacation rental unit elects to provide the tenant with a notebook of information, the cover of the notebook must alert the tenant to its contents by posting "important information and emergency numbers" on the front of the notebook.
- (c) A legible copy of the building evacuation map, minimum eight and one-half (8½) by eleven (11) inch (letter sized paper) shall be posted at the main entrance door and one other door leading to the exterior of the structure.

(Ord. No. 19-002 , § 2, 8-6-19)

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