

RESOLUTION NO. 2018-50

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA, AMENDING AND RESTATING RESOLUTION NO. 2015-15 BY REDUCING FEES RELATED TO SHORT-TERM VACATION RENTALS; PROVIDING FOR REFUNDS; PROVIDING FOR INCORPORATION INTO FEE SCHEDULE, FEE COLLECTION, AND ESTABLISHMENT OF ACCOUNTS; PROVIDING FOR CONFLICTS AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on March 2, 2015, the Board of County Commissioners adopted Resolution No. 2015-15 which amended the Growth Management Department's *Fee Schedule* as previously amended through Resolution Nos. 2008-31, 2011-01, and 2012-52; and

WHEREAS, Resolution No. 2015-15 established fees related to the County short-term vacation rentals program, with fee amounts based on the estimated staff time needed to administer the respective stages of the program; and

WHEREAS, Section 4 of Resolution No. 2015-15 provided for the evaluation of the short-term vacation rentals program fees, including rebates to fee payers in the event that the fees were reduced through a subsequent action by the Board of County Commissioners; and

WHEREAS, the County desires to amend the fees established by Resolution No. 2015-15 by amending and restating Resolution 2015-15 in its entirety and reducing the initial certificate application, annual renewal, transfer of ownership, and modification fees, as those fees are currently deemed to be disproportionate to the costs of providing the respective services; and

WHEREAS, through this Resolution, the Board of County Commissioners finds that the fees adopted through Resolution No. 2015-15 exceed the regulatory costs of the County's short-term vacation rental program and that rebates to fee payers in the form of credits applied to future annual certificate renewal fees are appropriate; and

WHEREAS, the following fee schedule has been amended by County staff to reflect the appropriate charges for administering the short-term vacation rental program.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA, THAT:

Additions in double-underline format, with deletions in strike-through format.

Resolution No. 2015-15 is hereby amended and restated in its entirety as follows:

Section 1. As provided in Section 3.06.14 of the Flagler County Land Development Code, which section is entitled “Short-term vacation rentals”, the schedule of such fees and related fees is established, in the Growth Management Department’s *Fee Schedule*, under the “Other Planning Department Fees” heading, as follows:

<u>D. Short-Term Vacation Rental Fees</u>	<u>Fee</u>
Certificate application	\$ 500 <u>\$400</u>
Certificate annual renewal	\$ 250 <u>\$200</u>
Certificate transfer of ownership	\$ 250 <u>\$50</u>
Certificate modification	\$ 150 <u>\$50</u>
Re-inspection	\$100
Inspection “no show”	\$200
Violations (see ss. 3.06.14.K.2)	
First (1st)	\$200
Second (2nd)	\$300
Third (3rd)	\$400
Each repeat violation in excess of three (3)	\$500

Section 2. Refunds of the difference between the original and reduced fees shall be available upon request of the respective property owner, subject to the following:

A. If any application related to short-term vacation rentals has not been distributed for departmental/staff review and receipt of requested refund has been received by the Growth Management Department within thirty (30) days of submittal of an application, a full refund may be requested.

B. If departmental/staff review has begun on any application and a request for a refund is received by the Growth Management Department within thirty (30) days of submittal of an application, a partial refund of fifty percent (50%) of application fees may be requested.

Additions in double-underline format, with deletions in strike-through format.

C. If a Short-Term Vacation Rental Certificate has been issued, denied, revoked, or suspended, whether for an initial, renewal, transfer, or modification Certificate, then no refund may be requested.

D. All refund requests will be expeditiously processed and refunded amounts will not be unreasonably withheld by the County.

Section 3. The fees listed herein at Section 1 and the refund policy listed herein at Section 2 shall be incorporated into the Fee Schedule of the Growth Management Department, with all fees herein to be collected by the Growth Management Department and allocated to appropriate accounts created for collection of such fees. Through this Resolution, the Board of County Commissioners authorizes the creation of appropriate accounts for the collection, accounting, disbursement, and refund of these fees.

Section 4. Fees associated with the County's short-term vacation rental program shall be based on the labor and expense associated with processing certificates and inspections related to the program. Any fees decreased by this Resolution shall result in a rebate to be applied as a credit towards any future assessed short-term vacation rental fee related to the original application. In cases where an applicant is no longer participating in the short-term vacation rental program and is owed a rebate related to the original application, the Growth Management Department will refund the rebate amount to the fee payer. ~~The "Short-term vacation rentals" program is the first regulatory program of this nature enacted by Flagler County. The Growth Management Department identification of fees is based on research of other jurisdictions and best estimates. The Department will review the fees and the labor and expense associated with processing certificates and inspections in six (6) months. If as a result of this evaluation the fees are found to exceed regulatory costs, the Department will provide rebates to fee payers as appropriate and petition the Board of County Commissioners to modify the fee schedule as appropriate.~~

Section 5. That if any section, clause, sentence or phrase of this Resolution is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this Resolution.

Section 6. That all resolutions or parts of resolutions in conflict with this Resolution shall be repealed to the extent of such conflict.

Section 7. That this Resolution shall be in full force and take effect on August 6, 2018.

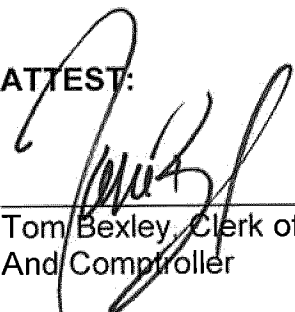
APPROVED in open session by the Flagler County Board of County Commissioners in Bunnell, Florida, on this 6th day of August, 2018.

**Board of County Commissioners
Flagler County, Florida**



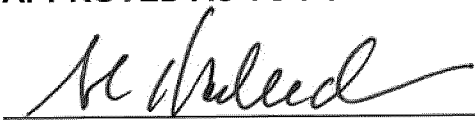
Gregory L. Hansen, Chair

ATTEST:



Tom Bexley, Clerk of the Circuit Court
And Comptroller

APPROVED AS TO FORM:



Al Hadeed, County Attorney

