



VILLAGE OF PALMETTO BAY
9705 E. HIBISCUS STREET
PALMETTO BAY, FLORIDA 33157
(305) 259-1234 Fax: (305) 259-1290

Approved
[Signature]
Gregory H. Truitt, Interim
Village Manager
3/6/2020
Date

REQUEST FOR PUBLIC RECORDS

Requests are filled in accordance with the provisions of Chapters 119 and 257, Florida Statutes.

DATE: 3/4/20
NAME: Taylor Dolven
COMPANY: Miami Herald
ADDRESS: _____
PHONE: 305-376-2052 FAX: _____
EMAIL: tdolven@miamiherald.com

REQUEST (Attach additional page, if necessary): Copies of the following documents:

- 1) Copies of code compliance complaints and reports for property address: 8055 SW 142 Terrace since June 1, 2019
 - 2) Copy of short-term rental registration license for property
- *****

FOR USE BY VILLAGE STAFF ONLY

TRACKING NO.: 2020-081

DATE FORWARDED: 3-5-20

ASSIGNED DEPT: Building

DATE REQUEST FILLED: _____

NUMBER OF COPIES: _____

ESTIMATED TIME (IF APPLICABLE): _____

ESTIMATED COST: _____

HOW WAS REQUEST FILLED? _____

IF NOT FILLED, REASON: _____

BY: _____

[Handwritten mark]

Melissa Dodge

From: Missy Arocha
Sent: Wednesday, March 4, 2020 5:32 PM
To: Dolven, Taylor
Cc: Melissa Dodge
Subject: RE: Urgent Miami Herald Inquiry -- Short term rentals
Attachments: Ordinance 2019-05.pdf; Ordinance 2019-11.pdf

Dear Mr. Dolven:

In response to your request for information, attached please find two Ordinances (2019-05 & 2019-11) relating to Village legislation on short-term rentals.

Please note that your request for information about the property at 8055 SW 142nd Terrace from the Village's Code Compliance Division will be requested. The Village has logged your request as **Public Records Request 2020-081**. As soon as those records and/or a response becomes available, we will contact you.

Respectfully,



Missy Arocha

Village Clerk / Passport Acceptance Facility Manager

Village of Palmetto Bay

9705 East Hibiscus Street

Palmetto Bay, FL 33157

Phone: (305) 259-1234

www.palmettobay-fl.gov

PLEASE NOTE: Florida has very broad public records laws. Most written communications to or from local officials regarding official business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.



Please save a tree. Don't print this e-mail unless it's really necessary.

From: Dolven, Taylor <tdolven@miamiherald.com>
Sent: Wednesday, March 4, 2020 11:25 AM
To: Missy Arocha <marocha@palmettobay-fl.gov>
Subject: Re: Urgent Miami Herald Inquiry -- Short term rentals

CAUTION: EXTERNAL SENDER -- Please avoid opening any unexpected attachments or clicking any strange links.

Hi Missy,

I'm following up here on my request for information about the property at 8055 SW 142 Terrace. I would also like to request the short term rental registration license for this property. Could you please confirm you have received this request and advise as to the estimated time frame?

Thank you for your help.

On Tue, Feb 25, 2020 at 4:50 PM Dolven, Taylor <tdolven@miamiherald.com> wrote:

Hi Missy,

My name is Taylor Dolven, and I'm a reporter with the Miami Herald. I'm working on a story about a short term rental operating in Miami Bay, as the Florida legislature considers stripping local governments of the ability to regulate short term rentals.

I would like to request code compliance complaints and reports regarding the property at 8055 SW 142 Terrace since June 1, 2019.

I would appreciate if you could get back to me with these records by end of day tomorrow. Thank you very much for your time and your help.

--

Taylor Dolven
Tourism Reporter, Miami Herald
@taydolven
o: (305) 376-2052
c: (303) 518-2293

--

Taylor Dolven
Tourism Reporter, Miami Herald
@taydolven
o: (305) 376-2052
c: (303) 518-2293

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ORDINANCE NO. 2019-05

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO SHORT-TERM/ RENTALS OF SINGLE-FAMILY RESIDENCES, TOWN HOUSES, CONDOMINIUMS AND APARTMENTS, AND SHORT TERM SUB-LEASES OF APARTMENTS, WITHIN PALMETTO BAY; PROVIDING THAT AGENTS ADVERTISING SUCH RENTALS FOR OWNERS, OR IN FACT ENGAGED IN SUCH RENTALS FOR OTHERS, MUST FIRST FILE AN ANNUAL REGISTRATION FORM AND REGISTRATION FEE, PROVIDING FOR REGULATIONS OF SHORT TERM RENTALS; PROVIDING FOR PENALTIES FOR VIOLATIONS; PROVIDING FOR AN EFFECTIVE DATE. (Sponsored by Vice Mayor John DuBois)

WHEREAS, short term/ vacation/ transient rentals via online hosting platforms are an emerging sector providing hosts and guests a medium for home-sharing; and

WHEREAS, despite the name, short term/ vacation/ transient rentals are not rented solely by vacationers, but may be used by travelers who find themselves in a locale for a variety of reasons and wish to stay in short-term residential rentals; and

WHEREAS, short term/ vacation/ transient rentals must be registered and licensed with the Florida Department of Business Regulation in order to operate within the state; and

WHEREAS, if unregulated, short term/ vacation/ transient rentals can create a negative impact on residential neighborhoods such as excessive noise, parking that overwhelms the use by residents and accumulation of trash; and

WHEREAS, to protect residential neighborhoods in the Village from disruptive behaviors and incompatible uses and to protect the health, safety and welfare of the community, the Village Community and Economic Development office wishes to enact a short term/ vacation/ transient rental license registration form with disclosures, in order to regulate and provide law-abiding residents the opportunity to

1 offer and use vacation/ short term rentals in an orderly manner,
2 consistent with the state and local law; and

3

4 **WHEREAS**, the purpose of this ordinance is to establish a license
5 registration form in order to promote compliance with the Village code
6 and to establish a process for those who wish to offer and use short
7 term/ vacation/ transient rentals in this community; and

8

9 **WHEREAS**, short-term/ vacation/ transient rentals of single-family
10 residences, town houses, condominiums, and apartments, within the
11 Village of Palmetto Bay often result in consequences which must be
12 evaluated for compliance with Village codes and compliance action
13 undertaken by the Village in a timely fashion; and

14

15 **WHEREAS**, section 30-60-20 of the Palmetto Bay municipal
16 code will be incorporated to bring forward; and

17

18 **WHEREAS**, such compliance evaluation and enforcement place
19 a financial burden on the Village; and

20

21 **WHEREAS**, this registration ordinance must be enforced and
22 used in conjunction with the enforcement ordinance brought forth by the
23 Village Council; and

24

25 **WHEREAS**, the expense of such evaluation and compliance
26 enforcement should be borne by the owners and/or agents renting such
27 single-family residences.

28

29 **NOW, THEREFORE, THE FOLLOWING ORDINANCE IS**
30 **HEREBY ENACTED BY THE VILLAGE OF PALMETTO BAY,**
31 **FLORIDA:**

32

33 **Section 1. Section 30-60.20 is hereby created as follows:**

34

35 **30-60.20 Short-term Rentals and Transient Occupancy:**

36

37 **1) Applicability and Purpose**

38

39 (A) This section applies to the municipality of Palmetto Bay.

1 (B)The purpose of this section is to regulate short term/
2 vacation/ transient rentals within the Village of Palmetto Bay
3 and provide law- abiding residents the opportunity to offer and
4 use vacation/ short term/transient rentals in an orderly
5 manner, consistent with the state and local law. The purpose
6 of the regulation is to promote compliance with the Village
7 code for those who wish to offer and use short term/ vacation/
8 transient rentals in Palmetto Bay. No person shall rent or
9 lease all or any portion of a dwelling unit as a short-term rental
10 or to a transient occupant, as defined in this section, without
11 complying with the criteria set forth herein.
12

13 **2) Definitions**

14
15 *'Short term rental'* shall be defined as any dwelling unit or
16 residence, town house, condominium and apartment and
17 short term leases of apartments, including, but not limited to,
18 any unit or group of units in a condominium or apartment
19 building, that is rented in whole to or in part to a transient
20 occupant for more than three times in a calendar year for
21 periods of less than thirty (30) days or one (1) calendar month
22 (whichever is less), or which is advertised or held out to the
23 public as a place regularly rented to guest (509.242(1)(c) and
24 509.013 (4)(a)1., Florida Statutes) a period less than 2 months
25 or a maximum of 60 days, consecutive or not, in a calendar
26 year. For the purpose of this section, the term short term
27 rental is synonymous with the term vacation term rental and
28 transient rental.
29

30 *'Transient occupant'* shall be defined as any person who rents
31 or occupies any dwelling unit or residence or part thereof for
32 less than 2 months or a maximum of 60 days, consecutive or
33 not consecutive days, in a calendar year, and any guest or
34 invitee of such person. Any person or guest or invitee or such
35 person, who occupies or is in actual or apparent control or
36 possession of a short-term vacation/ short term/ transient
37 rental. There should be a rebuttable presumption that any
38 person who holds themselves out as being an occupant or
39 guest of an occupant of a short term/ vacation rental is a

1 transient occupant.

2

3 *'Agents'* shall be defined as any person, service, business,
4 company, marketplace or other entity that, for a fee or other
5 consideration, provides property owners and responsible
6 parties a platform or means to offer short- term rentals to
7 transient occupants, whether through the internet or other
8 means.

9

10 *'Property owner'* shall mean the person or entity listed as
11 owner with the Miami-Dade County Property Appraiser's office
12 and/or listed on the deed to the property as owner.

13

14 *'Responsible Party'* the property owner or person/ entity
15 designated by the property owner, to be called upon for
16 matters regarding the vacation rental, including but limited to.
17 The maintenance and upkeep of property, request for
18 inspection, emergencies and to answer for conduct and acts
19 of occupants and guests of the rental. The responsible party
20 shall be available to be contacted at any hour of the day, any
21 day of the week during any period that the vacation rental is
22 occupied.

23

24 **3) Registration Form Requirements**

25 An Annual registration application form and registration fee
26 and all applicable fees herein shall be filled and paid through
27 the Village of Palmetto Bay's Planning and Zoning office.

28

29 (3) Such registration must be filed, and the applicable fee paid
30 annually each calendar year. Fees are as follows: An application
31 processing fee of forty-five (\$45) per application submitted, a vacation
32 rental registration fee of one-hundred dollars (\$100) for each single-
33 family residence, town house, condominium, or apartment annually. If
34 initial registration occurs after one-half or more of a calendar year has
35 passed, the registration fee shall be fifty dollars (\$50), a rental annual
36 registration renewal fee of one-hundred dollars (\$100), a rental re-
37 instatement after suspension fee of one-hundred (\$100), a vacation
38 registration modification fee of one-hundred dollars (\$100), a rental
39 appeal fee of one-hundred (\$100) and applicable penalties for first,

1 second and third offenses.

2

3 (5) The owner or owner representative offering a rental of
4 property covered herein, represented by an agent for the purpose of
5 renting such property for a rental period of (3) three months or less,
6 and such agent, are responsible to ensure that registration and fee
7 payment as required herein are accomplished.

8

9 (a) Failure to file or pay the fee prior to advertising such rental
10 shall result in a five hundred-dollar (\$500) fine levied against
11 both the owner and/or tenant offering a rental and agent,
12 which each must pay separately within thirty (30) days of
13 date of levy.

14

15 (b) Failure to file or pay the fee occurring a second time within a
16 five year period with respect to the same property shall result
17 in a fine of one thousand dollars (\$1,000) levied against both
18 the owner or tenant offering a rental and the agent, which
19 each must pay separately within thirty (30) days of levy.

20

21 (c) Failure to file or pay the fee occurring a third time within a
22 five year period with respect to the same property shall result
23 in a fine of two thousand dollars (\$2,000) levied against both
24 the owner or tenant offering a rental and the agent, which
25 each must pay separately within thirty (30) days of levy, and
26 in suspension for a one year period of the right to rent such
27 property for a rental period of two months or less.

28

29 (d) The levying of any such fine or the suspension of the right to
30 rent may be challenged through the administrative appeal
31 process as provided elsewhere in the Palmetto Bay Code, if
32 such appeal is filed within twenty (20) days of the levy of any
33 such penalty. During the pendency of such appeal, the thirty
34 (30) day time period for payment and the suspension of the
35 right to rent shall be automatically stayed during such appeal
36 process.

37

38 (e) Failure to obtain a background check or falsify background
39 check will result in a fine of twenty-five thousand dollars

1 (\$25,000) against the owner.

2
3 (f) Unpaid fines may be recorded as a lien against the relevant
4 property.
5

6 **Section 2. Effective Date.** This ordinance shall become effective
7 thirty (30) days following adoption on second reading.
8

9 **FIRST READING:** March 4, 2019
10 **SECOND READING:** May 6, 2019
11

12 **PASSED and ADOPTED on SECOND READING** this 6th day
13 May 2019.
14

15 DocuSigned by:
16 *Missy Arocha*
17 6EDC91E5E8C48C
18 **Missy Arocha**
19 **Village Clerk**

DocuSigned by:
Karyn Cunningham
35B93CD2DCB470...
Karyn Cunningham
Mayor

20 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
21 USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY,
22 FLORIDA ONLY:

23 DocuSigned by:
24 *Dexter W. Lehtinen*
25 1B1D06E71321445...
26 **Dexter W. Lehtinen**
27 **Village Attorney**

28
29 **FINAL VOTE AT ADOPTION:**

30
31 Council Member David Singer YES
32
33 Council Member Patrick Fiore YES
34
35 Council Member Marsha Matson YES
36
37 Vice-Mayor John DuBois YES
38
39 Mayor Karyn Cunningham YES



Village of Palmetto Bay
Community and Economic Development
Vacation/ Short term Rental License
Registration Form

Submittal Date: _____

Village's Ordinance No. 2018-16, (ATTACHED)

REGISTRATION CHECKLIST:	
<input type="checkbox"/>	Completed application, notarized, and signed by property owner, property manager or authorized agent*.
<input type="checkbox"/>	Copy of Employer Identification Number (EIN).
<input type="checkbox"/>	DBPR Transient Public Lodging Establishment license.
<input type="checkbox"/>	Current and active Certificate of Registration with Florida Department of Revenue.
<input type="checkbox"/>	Proof of Corporate Documents from Division of Corporations
<input type="checkbox"/>	Interior Building Sketch by Floor.
<input type="checkbox"/>	Sketch showing the number and location of parking spaces for the subject vacation rental.
<input type="checkbox"/>	Disclosures Page and Letter of Intent.
<input type="checkbox"/>	Proof of Payment.
*Authorized agents must provide proof of authorization from property owner. Incomplete applications will not be accepted.	

New

 Re-Instatement

 Renewal

VACATION/ SHORT TERM RENTAL FEE SCHEDULE	FEE NON-REFUNDABLE
Processing Fee	\$45.00
Rental Registration	\$100.00
Rental Annual Registration Renewal	\$100.00
Rental Re-Instatement After Suspension Fee	\$100.00
Registration Modification	\$100.00
Rental Appeal	\$200.00
Rental Penalty Fee for First Offense	\$500.00
Rental Penalty Fee for Second Offense	\$1000.00
Rental Penalty Fee for Third Offense	\$2000.00

RENTAL PROPERTY		
Rental property address:		
Gross square footage:	# of bedrooms:	# of bathrooms:
Maximum occupancy:	# of parking spaces provided:	
<input type="checkbox"/> Please acknowledge that each guest room shall be equipped with an approved listed single-station smoke detector meeting the minimum requirements of the National Fire Protection Association (NFPA).		
<input type="checkbox"/> Please acknowledge that minimum safety and operational requirements are in compliance Miami-Dade County Minimum Housing Standards.		
<input type="checkbox"/> At least one landline telephone with the ability to call 911 shall be available in the main level common area in the Vacation Rental.		

Initials _____

PROPERTY OWNER 'S INFORMATION

Owner's name:

Permanent mailing address:

City, State and Zip:

Home Phone:

Cell Phone:

Business Phone:

Email:

PROPERTY MANAGER 'S INFORMATION

Manager's name:

Mailing address:

City, State and Zip:

Home Phone:

Cell Phone:

Business Phone:

Email:

24/7 LOCAL AGENT 'S INFORMATION

Property Owner

Property Manager

Agent's name:

Address:

City, State and Zip:

Home Phone:

Cell Phone:

Business Phone:

Email:

VACATION/ SHORT TERM RENTAL LICENSE

Disclosures:

___No more than 5 unrelated individuals may rent a residential property. Notwithstanding the foregoing, at no time may the occupancy of a vacation rental exceed the maximum occupant load for the property under the Florida Building Code.

___The responsible party is required to obtain a background check for all transient occupants, failure to obtain will result in a fine specified by the registration and enforcement ordinance.

___The responsible party is required to obtain confirmation of a nationwide search from the Miami-Dade County Police Department or other law enforcement agency that the prospective transient occupant(s) is/ are not a registered sexual offender or sexual predator as a result of a conviction of a sexual offense, as defined in [Section 21-280](#).

___If the vacation/ short term / transient rental property is within 2,500 feet of a school, pursuant to [Section 21-281](#) it is a violation of this section for a sexual offender or sexual predator to occupy the property for a period of 4 or more days in any month.

The responsible party may call the Miami-Dade County Answer Center (311) to obtain assistance or referrals to determine whether a prospective transient occupant is a sexual offender or predator and to determine whether a residence is 2,500 feet from a particular school. If the vacation rental property is within 2,500 feet of a school, it will be a violation to allow any person to occupy the property with knowledge that such person is a registered sexual offender or registered sexual predator in any jurisdiction.

[Search sexual offenders and predators by residence](#)

[Search sexual offenders and predators in your neighborhood](#)

___If there is a swimming pool onsite, the responsible party must ensure that the swimming pool has in place at least one of the pool safety features listed in [Section 515.27](#), Florida Statutes, (i.e., pool safety barrier, pool safety cover, pool alarm, or door latch/alarm) prior to use of the property as a vacation rental by any person under the age of six. This provision shall not apply to a vacation rental with a community swimming pool onsite, such as in a condominium, as determined by the Director. Compliance with this provision shall be in addition to compliance with [Section 33-12](#) of this code pertaining to swimming pool fences.

___The responsible party must also comply with all residential requirements pertaining to [solid waste disposal](#), [noise](#), [public nuisance](#), [parking](#), [advertising](#) and [pets](#), as well as with all other applicable local, state, and federal laws, regulations, rules, and standards, including, but not limited to, those pertaining to anti-discrimination, disability, and fair housing.

___ Provide written notice to transient occupants, prior to occupancy of the vacation/ short term rental, of the vacation/ short term/ transient rental standards and regulations for noise, public nuisance, vehicle parking, solid waste collection and common area usage. This information must also be posted inside the rental property;

___ Provide notice to prospective transient occupants at the time the property is listed as a vacation/ short term/ transient rental of any limitations on the property pertaining to access for the disabled;

VACATION/ SHORT TERM RENTAL LICENSE

___ Provide notice to the homeowner's association or condominium/cooperative association or board, if any, that the property will be used as a vacation/short term/ transient rental and adhere to all policies, rules, and regulations of such association or board pertaining to vacation rentals;

___ Promptly address and report any violations of this section or of such other law or regulation of which the responsible party knows or should know to the Department or law enforcement, as appropriate, as well as to the peer-to-peer or platform entity;

___ Ensure that any violations regarding the rental of the property are able to be promptly addressed and resolved 24 hours a day/7 days per week;

___ Maintain a register with names and dates of stay of all guests and background checks, including but not limited to all transient occupants and their invitees, which shall be open to inspection by the County.

___ Parking will be only allowed on private property. On-street parking will not be permissible.

___ All transient occupants shall abide by section 30-60.29 (noise) of the Village of Palmetto Bay Zoning Code.

___ The responsible party and all transient occupants shall abide by all applicable state and local public nuisance laws and ordinances, including but not limited to, sections 823.05 and 823.10 of the Florida Statute.

___ Owner(s)/Tenant will abide by the rules and regulations stipulated on the Ordinance.

Applicant Affidavit of Agreement:

Initials _____

VACATION/ SHORT TERM RENTAL LICENSE

By signing this agreement, I, the Property Owner, Property Manager or Authorized Agent, agree to use my best efforts to assure that the vacation rental use of the dwelling will not disrupt the residential character of the neighborhood, and will not interfere with the rights of neighboring property owners to the quiet enjoyment of their residences. Furthermore, acknowledge that I was provided a copy of the Village of Palmetto Bay Vacation Rental's Ordinance.

Initials _____

I have carefully reviewed Ordinance No. 2018-16, and I acknowledge that this Vacation/ Short term rental property complies with such. I also affirm that this application and all information contained herein have been freely and voluntarily provided. All facts, figures and statements contained herein are true, correct and complete to the best of my knowledge and belief. I also acknowledge and understand that providing any false or misleading information on this application may result in the denial or the revocation thereof, of any license or permit issued by the Village of Palmetto Bay which was based upon information provided in this application.

Name of applicant	Title
Signature	

AFFIDAVIT

State of _____)
 County of _____)

_____ being first duly sworn, deposes and says that: He/she is the (Owner, Partner, Officer, Representative or Agent) _____ of (name of business/applicant) _____, and that matters and facts stated in this application are true to his/her knowledge, and that he/she, in the aforementioned position is authorized to execute this application for the purposes of obtaining a Local Business Tax Receipt from the Village of Palmetto Bay.

 Signature

Sworn to and subscribed before me this _____ day of _____, 20____.

 Print Name and Title Notary Public, State of Florida
 My Commission Expires: _____

1 **WHEREAS**, the purpose of this ordinance is to enforce the
2 compliance of short term/ vacation/ transient rentals in this community;
3 and

4
5 **WHEREAS**, short-term/ vacation/ transient rentals of single-family
6 residences, town houses, condominiums, and apartments, within the
7 Village of Palmetto Bay often result in consequences which must be
8 evaluated for compliance with Village codes and compliance action
9 undertaken by the Village in a timely fashion; and

10
11 **WHEREAS**, **section 30-60-20** of the Palmetto Bay municipal
12 code will be incorporated to bring forward; and

13
14 **WHEREAS**, **Section 509.032(7)(b), Florida Statues**, provides
15 that a local law, ordinance, or regulation may not prohibit vacation
16 rentals or regulate the duration or frequency of rental of vacation
17 rentals; and

18
19 **WHEREAS**, such compliance evaluation and enforcement place
20 a financial burden on the Village; and

21
22 **WHEREAS**, the expense of such evaluation and compliance
23 enforcement should be borne by the owners and/or agents renting such
24 single-family residences.

25
26 **NOW, THEREFORE, THE FOLLOWING ORDINANCE IS**
27 **HEREBY ENACTED BY THE VILLAGE OF PALMETTO BAY,**
28 **FLORIDA:**

29
30 ~~**ORDINANCE NO. 2018-16**~~

31
32 ~~**AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL**~~
33 ~~**OF THE VILLAGE OF PALMETTO BAY, FLORIDA,**~~
34 ~~**RELATING TO SHORT-TERM RENTALS OF SINGLE-FAMILY**~~
35 ~~**RESIDENCES, TOWN HOUSES, CONDOMINIUMS AND**~~
36 ~~**APARTMENTS, AND SHORT-TERM SUB-LEASES OF**~~
37 ~~**APARTMENTS, WITHIN PALMETTO BAY; PROVIDING**~~
38 ~~**THAT AGENTS ADVERTISING SUCH RENTALS FOR**~~

1 ~~OWNERS, OR IN FACT ENGAGED IN SUCH RENTALS FOR~~
2 ~~OTHERS, MUST FIRST FILE AN ANNUAL REGISTRATION~~
3 ~~FORM AND REGISTRATION FEE; PROVIDING FOR~~
4 ~~PENALTIES AND LIENS ON PROPERTY FOR UNPAID~~
5 ~~PENALTIES; PROVIDING FOR PENALTIES FOR~~
6 ~~VIOLATIONS; PROVIDING FOR AN EFFECTIVE DATE.~~
7 *(Sponsored by Vice Mayor John DuBois)*

8 ~~WHEREAS, short term rentals of single family residences, town~~
9 ~~houses, condominiums, and apartments, and short term sub-leases of~~
10 ~~apartments, within the Village of Palmetto Bay often result in~~
11 ~~consequences which must be evaluated for compliance with Village~~
12 ~~codes and compliance action undertaken by the Village in a timely~~
13 ~~fashion; and~~

14
15 ~~WHEREAS, such compliance evaluation and enforcement places~~
16 ~~a financial burden on the Village; and~~

17
18 ~~WHEREAS, the expense of such evaluation and compliance~~
19 ~~enforcement should be borne by the owners and/or agents renting such~~
20 ~~single family residences.~~

21
22 ~~NOW, THEREFORE, THE FOLLOWING ORDINANCE IS~~
23 ~~HEREBY ENACTED BY THE VILLAGE OF PALMETTO BAY,~~
24 ~~FLORIDA:~~

25
26 ~~Section 1. Short Term Rentals of Single Family Residences.~~

27
28 ~~(1) Agents of owners of single family residences, town houses,~~
29 ~~condominiums or apartments, or agents of tenants of apartments,~~
30 ~~located within the Village of Palmetto Bay who seek to rent or sub-~~
31 ~~lease such premises for any single rental period of two months or less,~~
32 ~~or who in fact rent or sub-lease for two months or less notwithstanding~~
33 ~~the length of rent or sub-lease indicated in a contract for rental or sub-~~
34 ~~lease, must first register with the Palmetto Bay Building Department on~~
35 ~~forms specified by the Village Manager and pay the specified fee prior~~
36 ~~to advertising or holding out such single family residence for rent for a~~
37 ~~single rental period of one month or less.~~

38

1 ~~(2) Such registration must be filed and the applicable fee paid~~
2 ~~annually each calendar year. The applicable fee is one hundred~~
3 ~~dollars (\$100) for each single family residence, town house,~~
4 ~~condominium, or apartment annually. If initial registration occurs after~~
5 ~~one-half or more of a calendar year has passed, the registration fee~~
6 ~~shall be fifty dollars (\$50).~~

7
8 ~~(3) Both the owner or tenant offering a sub-lease of property~~
9 ~~covered herein, represented by an agent for the purpose of renting or~~
10 ~~sub-leasing such property for a rental period of two months or less,~~
11 ~~and such agent, are responsible to ensure that registration and fee~~
12 ~~payment as required herein are accomplished.~~

13
14 ~~(a) Failure to file or pay the fee prior to advertising such rental or~~
15 ~~sub-lease shall result in a five hundred dollar (\$500) fine~~
16 ~~levied against both the owner or tenant offering a sub-lease~~
17 ~~and agent, which each must pay separately within thirty (30)~~
18 ~~days of date of levy.~~

19
20 ~~(b) Failure to file or pay the fee occurring a second time within a~~
21 ~~five year period with respect to the same property shall result~~
22 ~~in a fine of one thousand dollars (\$1,000) levied against both~~
23 ~~the owner or tenant offering a sub-lease and the agent,~~
24 ~~which each must pay separately within thirty (30) days of~~
25 ~~levy.~~

26
27 ~~(c) Failure to file or pay the fee occurring a third time within a~~
28 ~~five year period with respect to the same property shall result~~
29 ~~in a fine of two thousand dollars (\$2,000) levied against both~~
30 ~~the owner or tenant offering a sub-lease and the agent, which~~
31 ~~each must pay separately within thirty (30) days of levy, and~~
32 ~~in suspension for a one year period of the right to rent or sub-~~
33 ~~lease such property for a rental period of two months or less.~~

34
35 ~~(d) The levying of any such fine or the suspension of the right to~~
36 ~~rent or sub-lease may be challenged through the~~
37 ~~administrative appeal process as provided elsewhere in the~~
38 ~~Palmetto Bay Code, if such appeal is filed within twenty (20)~~
39 ~~days of the levy of any such penalty. During the pendency of~~

1 ~~such appeal, the thirty (30) day time period for payment and~~
2 ~~the suspension of the right to rent or sub-lease shall be~~
3 ~~automatically stayed during such appeal process.~~

4
5 ~~(e) Unpaid fines may be recorded as a lien against the relevant~~
6 ~~property.~~

7
8 **Section 1. Short-Term/ Vacation/ Transient Rentals of Single-**
9 **Family Residences Enforcement**

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(1) Applicability/ Purpose and Definitions are found under Village of Palmetto Bay Municipal Code **Sec. 30-60-20** Short-Term/ Vacation / Transient Rentals

New Code Sec. 30-60.20. –
Short Term/ Vacation/Transient Rentals.
Short Term/ Vacation/Transient Rentals – Applicability, Purpose and Definitions

1) Applicability and Purpose

(A) This section applies to the municipality of Palmetto Bay.

(B) The purpose of this section is to regulate short term/ vacation/ transient rentals within the Village of Palmetto Bay and provide law-abiding residents the opportunity to offer and use vacation/ short term/transient rentals in an orderly manner, consistent with the state and local law. The purpose of the regulation is to promote compliance with the Village code for those who wish to offer and use short term/ vacation/ transient rentals in Palmetto Bay. No person shall rent or lease all or any portion of a dwelling unit as a short-term/ vacation/ transient rental, as defined in this section, without complying with the criteria set forth by the Village.

2) Definitions

'Short term rental' shall be defined as any dwelling unit or

1 residence, town house, condominium and apartment and
2 short term leases of apartments, including, but not limited to,
3 any unit or group of units in a condominium or apartment
4 building, that is rented in whole to or in part to a transient
5 occupant for more than three times in a calendar year for
6 periods of less than thirty (30) days or one (1) calendar month
7 (whichever is less), or which is advertised or held out to the
8 public as a place regularly rented to guest (509.242(1)(c) and
9 509.013 (4)(a)1., Florida Statutes) a period less than 2 months
10 or a maximum of 60 days, consecutive or not, in a calendar
11 year. For the purpose of this section, the term short term
12 rental is synonymous with the term vacation term rental and
13 transient rental.

14
15 *'Transient occupant'* shall be defined as any person who rents
16 or occupies any dwelling unit or residence or part thereof for
17 less than 2 months or a maximum of 60 days, consecutive or
18 not consecutive days, in a calendar year, and any guest or
19 invitee of such person. Any person or guest or invitee or such
20 person, who occupies or is in actual or apparent control or
21 possession of a short-term vacation/ short term/ transient
22 rental. There should be a rebuttable presumption that any
23 person who holds themselves out as being an occupant or
24 guest of an occupant of a short term/ vacation rental is a
25 transient occupant.

26
27 *'Agents'* shall be defined as any person, service, business,
28 company, marketplace or other entity that, for a fee or other
29 consideration, provides property owners and responsible
30 parties a platform or means to offer short- term rentals to
31 transient occupants, whether through the internet or other
32 means.

33
34 *'Property owner'* shall mean the person or entity listed as
35 owner with the Miami-Dade County Property Appraiser's office
36 and/or listed on the deed to the property as owner.

37
38 *'Responsible Party'* the property owner or person/ entity
39 designated by the property owner, to be called upon for

1 matters regarding the vacation rental, including but limited to.
2 The maintenance and upkeep of property, request for
3 inspection, emergencies and to answer for conduct and acts
4 of occupants and guests of the rental. The responsible party
5 shall be available to be contacted at any hour of the day, any
6 day of the week during any period that the vacation rental is
7 occupied.

8
9 (1) A local "Designated Responsible Party", i.e. property manager
10 is required.

11
12 (2) Owners or Responsible Party must reside on premises during
13 rental period. Owner must provide proof via advertisement of rental
14 during application process.

15
16 (3) No more than (5) five unrelated individuals may rent or reside
17 overnight, a residential property. Notwithstanding the foregoing, at no
18 time may the occupancy of a vacation rental exceed the maximum
19 occupant load for the property under the Florida Building Code.

20
21 (4) Noise requirements and parking requirements are met by
22 rental property as per Village of Palmetto Bay codes.

23
24 (5) Rental property is required to have a registration completed
25 with the Village of Palmetto Bay and must comply with all State and
26 Local registrations prior to rental.

27
28 **Section 2. Effective Date.** This ordinance shall become effective
29 thirty (30) days following adoption on second reading.

30
31 **PASSED and ADOPTED on SECOND READING** this 17th day of
32 June 2019.

33
34 **FIRST READING:** May 20, 2019

35
36 **SECOND READING:** June 17, 2019

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DocuSigned by:
Missy Arocha
Attest: _____
6EDC211E5E8C48C
Missy Arocha
Village Clerk

DocuSigned by:
Karyn Cunningham

35B93CD2D0CB470...
Karyn Cunningham
Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY,
FLORIDA ONLY:

DocuSigned by:
Dexter W. Lehtinen

1B1D06E71321345...
Dexter W. Lehtinen
Village Attorney

FINAL VOTE AT ADOPTION:

Council Member David Singer	<u>YES</u>
Council Member Patrick Fiore	<u>YES</u>
Council Member Marsha Matson	<u>YES</u>
Vice-Mayor John DuBois	<u>YES</u>
Mayor Karyn Cunningham	<u>YES</u>

Case #: CE-2020-1141

Type: CE Case	Status: Pending	Initiated Date: 03/04/2020
Disposition:		Compliance Date:
Description: Citation 4348 issued on 3/3/2020 for failure to maintain register log of occupants and guest.		Closed Date:
Citation 4349 issued on 3/3/2020 for Manager/Owner not present on site.		
Address: 8055 SW 142 TER	APN: 3350220230190	Parcel ID: 77675
PALMETTO BAY, FL 33158		

Responsible Party

Name: GRAND INVESTMENTS REALTY LLC	Home #:
Address: 8055 SW 142 TER	Work #:
PALMETTO BAY, FL 33158	

Owner

Name: ALAU LLC	Home/Cell/Work #:
Address: 1080 LUGO AVE	Alt/Pager/Fax #:
MIAMI, FL 33156	

Conditions

<u>Type</u>	<u>Number</u>	<u>Template Code</u>	<u>Status</u>	<u>Due Date</u>	<u>Approved</u>
vpb	1	30-60.20	Citation	04/03/2020	No

Description

Short term/vacation/transient rentals.

Text

Short term/vacation/transient rentals.

vpb	3	ORD-2019-011	Citation	04/03/2020	No
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Description

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE 3 VILLA

Text

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE 3 VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE 4 ENFORCEMENT OF SHORT-TERM/ VACATION/ TRANSIENT 5 RENTALS AND SUB LEASES OF SINGLE-FAMILY RESIDENCES, 6 TOWN HOUSES, CONDOMINIUMS AND APARTMENTS, WITHIN 7 THE VILLAGE OF PALMETTO BAY

vpb	2	ORD-2019-05	Citation	04/03/2020	No
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Description

SHORT-4 TERM/ RENTALS OF SINGLE-FAMILY RESIDENCES, TOWN 5 HOU

Text

SHORT-4 TERM/ RENTALS OF SINGLE-FAMILY RESIDENCES, TOWN 5 HOUSES, CONDOMINIUMS AND APARTMENTS, AND SHORT 6 TERM SUB-LEASES OF APARTMENTS, WITHIN PALMETTO BAY

Actions				
Action / Desc	Comp By	Hours Worked	Start Date	Completed / Date & Code
Citation Issued	awhite		3/4/2020 10:49:21AM	Y 3/4/2020 10:49:21AM
Comment: Citation 4348 issued on 3/3/2020 for failure to maintain register log of occupants and guest. Citation 4349 issued on 3/3/2020 for Manager/Owner not present on site.				
Citation (Compliance)	awhite			N
Comment:				
Citation (Compliance,Appeal or Payment)	awhite			N
Comment:				
Citation Appeal				N
Comment:				
Officer Prepares Case Brief				N
Comment:				
Notice of Lien				N
Comment:				
Claim of Lien				N
Comment:				
Assign to Special Master or Payoff				N
Comment:				
Release Lien				N
Comment:				
Close Case				N
Comment:				

Custom Fields			
Field Name	Data Type	Code Type	Value
Abandon Property?	Boolean		N
CE Officer	Code	10	2
Daily Fine Amount	Money		
Daily Fine End Date	Date (mm/dd/yy)		
Daily Fine StartDate	Date (mm/dd/yy)		
Fine Mitigation %	Code	11	
Last Interest Date	Date (mm/dd/yy)		
One Time Fine Amount	Money		1000
Record Lien	Boolean		N
Spc. Mst. Settlement	Boolean		N

Routing History		
Approver	Date Out	Route Comment

Route Status			
Group	Status	In Date	Out Date
Code Compliance	Working	3/4/2020 10:50:54AM	
Close Case			

Actions				
Action / Desc	Comp By	Hours Worked	Start Date	Completed / Date & Code
Citation Issued	awhite		3/2/2020 9:48:26AM	Y 3/2/2020 9:48:26AM
Comment: Citation issued on 2/29/2020 for renting to more than 5 person, failure to register/obtain license from state.				
Citation (Compliance)	awhite		3/4/2020 9:41:10AM	Y 3/4/2020 9:41:10AM
Comment: -NO ONE ON SITE. -NO ANSWER. -NO VEHICLES.				
Citation (Compliance)	awhite			N
Comment:				
Citation (Compliance,Appeal or Payment)	awhite			N
Comment:				
Citation Appeal				N
Comment:				
Officer Prepares Case Brief				N
Comment:				
Notice of Lien				N
Comment:				
Claim of Lien				N
Comment:				
Assign to Special Master or Payoff				N
Comment:				
Release Lien				N
Comment:				
Close Case				N
Comment:				

Custom Fields			
Field Name	Data Type	Code Type	Value
Abandon Property?	Boolean		N
CE Officer	Code	10	2
Daily Fine Amount	Money		250
Daily Fine End Date	Date (mm/dd/yy)		
Daily Fine StartDate	Date (mm/dd/yy)		
Fine Mitigation %	Code	11	
Last Interest Date	Date (mm/dd/yy)		
One Time Fine Amount	Money		
Record Lien	Boolean		N
Spc. Mst. Settlement	Boolean		N

Routing History		
Approver	Date Out	Route Comment

Route Status			
Group	Status	In Date	Out Date
Code Compliance	Working	3/2/2020 9:50:12AM	
Close Case			

Case #: CE-2020-1124

Type: CE Case	Status: Pending	Initiated Date: 03/02/2020
Disposition:		Compliance Date:
Description: Citation 4339 issued on 2/29/2020 for failure to provide log of register Guest.		Closed Date:
Address: 8055 SW 142 TER PALMETTO BAY, FL 33158	APN: 3350220230190	Parcel ID: 77675

Responsible Party

Name: ALAU LLC	Home #:
Address: 1080 LUGO AVE MIAMI, FL 33156	Work #:

Owner *Owner is Responsible*

Name: ALAU LLC	Home/Cell/Work #:
Address: 1080 LUGO AVE MIAMI, FL 33156	Alt/Pager/Fax #:

Conditions

Type	Number	Template Code	Status	Due Date	Approved
vpb	1	30-60.20 (2)(2)	Citation	03/27/2020	No

Description

Short term/vacation/transient rentals

Text

(2)Definitions.

Agents shall be defined as any person, service, business, company, marketplace or other entity that, for a fee or other consideration, provides property owners and responsible parties a platform or means to offer short-term rentals to transient occupants, whether through the internet or other means.

Property owner shall mean the person or entity listed as owner with the Miami-Dade County Property Appraiser's office and/or listed on the deed to the property as owner.

Responsible party shall mean the property owner or person/entity designated by the property owner, to be called upon for matters regarding the vacation rental, including but limited to: The maintenance and upkeep of property, request for inspection, emergencies and to answer for conduct and acts of occupants and guests of the rental. The responsible party shall be available to be contacted at any hour of the day, any day of the week during any period that the vacation rental is occupied.

(2)Owners or responsible party must reside on premises during rental period. Owner must provide proof via advertisement of rental during application process.

vpb	2	ORD-2019-011	Citation	03/27/2020	No
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Description

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE 3 VILLA

Text

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE 3 VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE 4 ENFORCEMENT OF SHORT-TERM/ VACATION/ TRANSIENT 5 RENTALS AND SUB LEASES OF SINGLE-FAMILY RESIDENCES, 6 TOWN HOUSES, CONDOMINIUMS AND APARTMENTS, WITHIN 7 THE VILLAGE OF PALMETTO BAY

vpb	3	ORD-2019-05	Citation	03/27/2020	No
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Description

SHORT-4 TERM/ RENTALS OF SINGLE-FAMILY RESIDENCES, TOWN 5 HOU

Text

SHORT-4 TERM/ RENTALS OF SINGLE-FAMILY RESIDENCES, TOWN 5 HOUSES, CONDOMINIUMS AND APARTMENTS, AND SHORT 6 TERM SUB-LEASES OF APARTMENTS, WITHIN PALMETTO BAY

Actions

Action / Desc	Comp By	Hours Worked	Start Date	Completed / Date & Code
Citation Issued	vbencomo		3/2/2020 9:36:22AM	Y 3/2/2020 9:36:22AM
Comment: Citation 4339 issued on 2/29/2020 for failure to provide log of register Guest.				
Citation (Compliance)	awhite		3/4/2020 9:41:51AM	Y 3/4/2020 9:41:51AM
Comment: -NO ANSWER AT RESIDENCE.				
Citation (Compliance,Appeal or Payment)	awhite			N
Comment:				
Citation Appeal				N
Comment:				
Officer Prepares Case Brief				N
Comment:				
Notice of Lien				N
Comment:				
Claim of Lien				N
Comment:				
Assign to Special Master or Payoff				N
Comment:				
Release Lien				N
Comment:				
Close Case				N
Comment:				

Custom Fields

Field Name	Data Type	Code Type	Value
Abandon Property?	Boolean		N
CE Officer	Code	10	2
Daily Fine Amount	Money		250
Daily Fine End Date	Date (mm/dd/yy)		
Daily Fine StartDate	Date (mm/dd/yy)		
Fine Mitigation %	Code	11	
Last Interest Date	Date (mm/dd/yy)		
One Time Fine Amount	Money		
Record Lien	Boolean		N
Sp. Mst. Settlement	Boolean		N

Routing History

Approver	Date Out	Route Comment
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Route Status

Group	Status	In Date	Out Date
Code Compliance	Working	3/2/2020 9:37:20AM	
Close Case			

Case #: CE-2020-1122

Type: CE Case	Status: Pending	Initiated Date: 03/02/2020
Disposition:		Compliance Date:
Description: Citation 4338 issued on 2/29/2020 for failure to maintain pool barrier.		Closed Date:
Address: 8055 SW 142 TER PALMETTO BAY, FL 33158	APN: 3350220230190	Parcel ID: 77675

Responsible Party

Name: ALAU LLC	Home #:
Address: 1080 LUGO AVE MIAMI, FL 33156	Work #:

Owner

Owner is Responsible	
Name: ALAU LLC	Home/Cell/Work #:
Address: 1080 LUGO AVE MIAMI, FL 33156	Alt/Pager/Fax #:

Conditions

<u>Type</u>	<u>Number</u>	<u>Template Code</u>	<u>Status</u>	<u>Due Date</u>	<u>Approved</u>
vpb	1	30-60.20 (2)(2)	Citation	03/27/2020	No

Description

Short term/vacation/transient rentals

Text

(2)Definitions.

Agents shall be defined as any person, service, business, company, marketplace or other entity that, for a fee or other consideration, provides property owners and responsible parties a platform or means to offer short-term rentals to transient occupants, whether through the internet or other means.

Property owner shall mean the person or entity listed as owner with the Miami-Dade County Property Appraiser's office and/or listed on the deed to the property as owner.

Responsible party shall mean the property owner or person/entity designated by the property owner, to be called upon for matters regarding the vacation rental, including but limited to: The maintenance and upkeep of property, request for inspection, emergencies and to answer for conduct and acts of occupants and guests of the rental. The responsible party shall be available to be contacted at any hour of the day, any day of the week during any period that the vacation rental is occupied.

(2)Owners or responsible party must reside on premises during rental period. Owner must provide proof via advertisement of rental during application process.

FS	4	515.29	Citation	03/27/2020	No
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Description

Residential swimming pool barrier requirements

Text

Residential swimming pool barrier requirements

vpb	3	ORD-2019-011	Citation	03/27/2020	No
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Description

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE 3 VILLA

Text

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE 3 VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE 4 ENFORCEMENT OF SHORT-TERM/ VACATION/ TRANSIENT 5 RENTALS AND SUB LEASES OF SINGLE-FAMILY RESIDENCES, 6 TOWN HOUSES, CONDOMINIUMS AND APARTMENTS, WITHIN 7 THE VILLAGE OF PALMETTO BAY

vpb	2	ORD-2019-05	Citation	03/27/2020	No
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Description

SHORT-4 TERM/ RENTALS OF SINGLE-FAMILY RESIDENCES, TOWN 5 HOU

Text

SHORT-4 TERM/ RENTALS OF SINGLE-FAMILY RESIDENCES, TOWN 5 HOUSES, CONDOMINIUMS AND APARTMENTS, AND SHORT 6 TERM SUB-LEASES OF APARTMENTS, WITHIN PALMETTO BAY

Actions					
Action / Desc	Comp By	Hours Worked	Start Date	Completed / Date & Code	
Citation Issued	awhite		3/2/2020 9:17:23AM	Y	3/2/2020 9:17:23AM
Comment: Citation 4338 issued on 2/29/2020 for failure to maintain pool barrier.					
Citation (Compliance)	awhite		3/4/2020 9:47:49AM	Y	3/4/2020 9:47:49AM
Comment: -VIOLATION REMAINS. -NO ONE ON SITE. -NO ANSWER. -NO VEHICLES.					
Citation (Compliance)	awhite			N	
Comment:					
Citation (Compliance,Appeal or Payment)	awhite			N	
Comment:					
Citation Appeal				N	
Comment:					
Officer Prepares Case Brief				N	
Comment:					
Notice of Lien				N	
Comment:					
Claim of Lien				N	
Comment:					
Assign to Special Master or Payoff				N	
Comment:					
Release Lien				N	
Comment:					
Close Case				N	
Comment:					

Custom Fields			
Field Name	Data Type	Code Type	Value
Abandon Property?	Boolean		N
CE Officer	Code	10	2
Daily Fine Amount	Money		250
Daily Fine End Date	Date (mm/dd/yy)		
Daily Fine StartDate	Date (mm/dd/yy)		
Fine Mitigation %	Code	11	
Last Interest Date	Date (mm/dd/yy)		
One Time Fine Amount	Money		
Record Lien	Boolean		N
Spc. Mst. Settlement	Boolean		N

Routing History		
Approver	Date Out	Route Comment

Route Status			
Group	Status	In Date	Out Date
Code Compliance	Working	3/2/2020 9:18:47AM	
Close Case			

Case #: CE-2020-1065

Type: CE Case	Status: Completed	Initiated Date: 02/07/2020
Disposition:		Compliance Date: 02/15/2020
Description: CW issued on 1/29/2020 for failure to maintain roof.		Closed Date: 02/18/2020
Address: 8055 SW 142 TER	APN: 3350220230190	Parcel ID: 77675
PALMETTO BAY, FL 33158		

Responsible Party

Name: ALAU LLC	Home #:
Address: 1080 LUGO AVE	Work #:
MIAMI, FL 33156	

Owner

Owner is Responsible

Name: ALAU LLC	Home/Cell/Work #:
Address: 1080 LUGO AVE	Alt/Pager/Fax #:
MIAMI, FL 33156	

Conditions

Type	Number	Template Code	Status	Due Date	Approved
vpb	1	30-60.21 (1)	Courtesy Warning Letter	02/12/2020	No

Description

Maintenance of structures

Text

Maintenance of structures; Every building, every accessory structure used for nondwelling purposes, including but not limited to garages, carports, cabanas, storage buildings, and every fence shall comply with the following requirements:
 (1) Every foundation, exterior and interior wall, roof, floor, ceiling, window and exterior door shall be structurally sound and maintained in good repair.

Actions

Action / Desc	Comp By	Hours Worked	Start Date	Completed / Date & Code
Courtesy Warning	awhite		2/7/2020 11:25:48AM	Y 2/7/2020 11:25:48AM
Comment: CW issued on 1/29/2020 for failure to maintain roof.				
Follow Up Inspection	awhite		2/15/2020 11:14:06AM	Y 2/15/2020 11:14:06AM compl
Comment: -tiles replaced. -close				
Citation Issued				N
Comment:				
Citation (Compliance)				N
Comment:				
Citation (Compliance,Appeal or Payment)				N
Comment:				
Citation Appeal				N
Comment:				
Officer Prepares Case Brief				N
Comment:				
Notice of Lien				N
Comment:				
Claim of Lien				N
Comment:				
Assign to Special Master or Payoff				N
Comment:				
Release Lien				N
Comment:				
Close Case	vbencomo		2/18/2020 11:24:27AM	Y 2/18/2020 11:24:27AM
Comment: -tiles replaced. -close				

Custom Fields

Field Name	Data Type	Code Type	Value
Abandon Property?	Boolean		N
CE Officer	Code	10	2
Daily Fine Amount	Money		250
Daily Fine End Date	Date (mm/dd/yy)		
Daily Fine StartDate	Date (mm/dd/yy)		
Fine Mitigation %	Code	11	
Last Interest Date	Date (mm/dd/yy)		
One Time Fine Amount	Money		
Record Lien	Boolean		N
Spc. Mst. Settlement	Boolean		N

Routing History

Approver	Date Out	Route Comment
vbencomo	2/18/2020 11:24:18AM	
vbencomo	2/18/2020 11:24:34AM	

Route Status

Group	Status	In Date	Out Date
Code Compliance	Routed	2/7/2020 11:26:30AM	2/18/2020 11:24:18AM
Close Case	Routed	2/18/2020 11:24:18AM	2/18/2020 11:24:34AM

Actions					
Action / Desc	Comp By	Hours Worked	Start Date	Completed / Date & Code	
Citation Issued	vbencomo		10/29/2019 10:02:55AM	Y 10/29/2019 10:02:55AM	
Comment: Citation 4772 issued on 10/28/2019 for failure to register vacation home rental with Zoning Dept.					
Citation (Compliance)	awhite		11/6/2019 10:45:52AM	Y 11/6/2019 10:45:52AM	
Comment: -CITATION APPEALED. -PROPERTY REGISTRATION NOW CURRENT. -RECIEVED COMPLAINT REGARDING LARGE GATHERING ON SATURDAY NIGHT AND INTO EARLY SUNDAY MORNING. -COMPLAINTAIN STATES UP TO 50 PEPOLE WERE ON SITE. -LOUD SHOUTING, LOUD MUSIC. -VPU RESPONDED TO COMPLAINT. -NO REPORT WRITTEN. -PD191103393537. -SENT EMAIL TO SGT FERNANDEZ ASKING FOR FUTURE COMPLAINTS TO BE DOCUMENTED AND FORWARDED TO THIS DEPARTMENT.					
Citation (Compliance)	awhite		11/12/2019 8:42:01AM	Y 11/12/2019 8:42:01AM	
Comment: -CONTACTED PROPERTY OWNER, AND ASKED HER TO PROVIDE ME A COPY OF THE LEASE AGREEMENT BETWEEN HER AND HER REALTOR. -11.09.2019 - NO LEASE PROVIDED. -LEFT VOICE MESSAGE FRO PROPERTY OWNER - EMILY LOU - 305.632.6008. -ADVISED PROPERTY OWNER OF RECENT NOISE COMPLAINT THAT OCCURED SUNDAY MORNING AT 0141. -ADDRESS PROVIDED TO VPBPU FOR ANY FUTE AFTER HOURS NOISE COMPLAINTS. -NO INCIDENT REPORT WRITTEN ON THE NOISE COMPLAINT FROM RESPONDING OFFICERS.					
Citation (Compliance,Appeal or Payment)	awhite		10/29/2019 2:10:15PM	Y 10/29/2019 2:10:15PM	
Comment: Property owner appeal citation.					
Comments	vbencomo		11/6/2019 10:44:56AM	Y 11/6/2019 10:44:56AM	
Comment: Certified mail came back signed for citation 4772.					
Comments	vbencomo		12/11/2019 9:19:38AM	Y 12/11/2019 9:19:38AM	
Comment: Certified mail came back signed for NOH.					
Citation Appeal	awhite		2/20/2020 2:26:31PM	Y 2/20/2020 2:26:31PM	
Comment: FINAL ORDER An administrative hearing was held before the undersigned Special Magistrate on January 21, 2020 in Palmetto Bay, Florida. Set out below are the findings of facts and conclusions of law and Final Order for the subject hearing: STATEMENT OF FACTS The record indicates that the APPELLANT received, and was properly served with a Notice of Violation alleging a failure to register a vacation home rental with the Village on the APPELLANT'S property located within the Village of Palmetto Bay at 8055 SW 142 TERR., PALMETTO BAY, FLORIDA 33158-1544. This case was initiated by the issuance of a Village of Palmetto Bay Notice of Violation which alleged the following violation(s): VILLAGE CODE ORDINANCE 2019-05. At the hearing held on this matter on January 21, 2020, the APPELLEE Village and a representative of APPELLANT were present. The APPELLANT acknowledged the existence of the violation. CONCLUSIONS OF LAW Accordingly, based on the testimony and evidence					

presented at the hearing, the APPELLEE Village met its burden of proving, by substantial competent evidence, that the violations did exist on the subject property.

FINAL ORDER

BASED UPON THE FOREGOING FINDINGS OF FACT AND CONCLUSIONS OF LAW, AND AFTER TAKING TESTIMONY, HEARING ARGUMENT, AND CONSIDERING

THE APPLICABLE LAW, IT IS ORDERED: THE UNDERSIGNED SPECIAL MAGISTRATE REDUCES THE FINE AMOUNT IMPOSED IN THIS CASE TO TWO HUNDRED AND 00/100 (\$200.00) FINE. THE APPELLANTS SHALL HAVE THIRTY (30) DAYS UNTIL FEBRUARY 20, 2020 TO PAY THIS REDUCED FINE AMOUNT TO THE VILLAGE.

THE APPELLANT IS PUT ON NOTICE THAT IF THE APPELLANT REPEATS THIS SAME VIOLATION WITHIN FIVE (5) YEARS OF THE DATE OF THIS ORDER, THE APPELLANT SHALL BE TREATED AS A REPEAT VIOLATOR AND BE SUBJECT TO THE GREATER FINE AMOUNTS AUTHORIZED BY LAW IN THE INSTANCE OF A REPEAT VIOLATION.

Done and Ordered this 21st day of January, 2020, in the Village of Palmetto Bay, Miami-Dade County, Florida.

Follow Up Inspection	awhite	2/20/2020 2:27:32PM	Y	2/20/2020 2:27:32PM
Comment: Orders came in late 2/14/2020 and mailed out on 2/20/2020.				
Follow Up Inspection	awhite	2/24/2020 3:29:29PM	Y	2/24/2020 3:29:29PM
Comment: Received payment in the amount of \$200.00				
Officer Prepares Case Brief			N	
Comment:				
Notice of Lien			N	
Comment:				
Claim of Lien			N	
Comment:				
Assign to Special Master or Payoff			N	
Comment:				
Release Lien			N	
Comment:				
Close Case	vbencomo	2/24/2020 3:41:34PM	Y	2/24/2020 3:41:34PM
Comment: Property in compliance and payment received. CASE CLOSED.				

Custom Fields

Field Name	Data Type	Code Type	Value
Abandon Property?	Boolean		N
CE Officer	Code	10	2
Daily Fine Amount	Money		
Daily Fine End Date	Date (mm/dd/yy)		
Daily Fine StartDate	Date (mm/dd/yy)		
Fine Mitigation %	Code	11	
Last Interest Date	Date (mm/dd/yy)		
One Time Fine Amount	Money		1000
Record Lien	Boolean		N
Sp. Mst. Settlement	Boolean		N

Routing History

Approver	Date Out	Route Comment
vbencomo	2/24/2020 3:48:35PM	
vbencomo	2/24/2020 3:48:48PM	

Route Status			
Group	Status	In Date	Out Date
Code Compliance	Routed	10/29/2019 10:02:55AM	2/24/2020 3:48:35PM
Close Case	Routed	2/24/2020 3:48:35PM	2/24/2020 3:48:48PM

Actions							
Action / Desc	Comp By	Hours Worked	Start Date	Completed / Date & Code			
Citation Issued	awhite		10/18/2019 9:48:58AM	Y 10/18/2019 9:48:58AM			
Comment: Citation 4769 issued on 10/11/2019 for failure to register vacation rental.							
Comments	vbencomo		10/29/2019 10:15:31AM	Y 10/29/2019 10:15:31AM			
Comment: Certified mail came back signed for citation 4769.							
Citation (Compliance)	awhite			N			
Comment:							
Citation (Compliance,Appeal or Payment)	awhite		10/29/2019 2:09:28PM	Y 10/29/2019 2:09:28PM			
Comment: Property owner appeal citation.							
Comments	vbencomo		12/11/2019 8:52:08AM	Y 12/11/2019 8:52:08AM			
Comment: Certified mail came back signed for NOH.							
Citation Appeal	awhite		2/20/2020 2:16:33PM	Y 2/20/2020 2:16:33PM			
Comment: FINAL ORDER An administrative hearing was held before the undersigned Special Magistrate on January 21, 2020 in Palmetto Bay, Florida. Set out below are the findings of facts and conclusions of law and Final Order for the subject hearing: STATEMENT OF FACTS The record indicates that the APPELLANT received, and was properly served with a Notice of Violation alleging a failure to register a vacation home rental with the Village on the APPELLANT'S property located within the Village of Palmetto Bay at 8055 SW 142 TERR., PALMETTO BAY, FLORIDA 33158-1544. This case was initiated by the issuance of a Village of Palmetto Bay Notice of Violation which alleged the following violation(s): VILLAGE CODE ORDINANCE 2019-05. At the hearing held on this matter on January 21, 2020, the APPELLEE Village and a representative of APPELLANT were present. The APPELLANT acknowledged the existence of the violation. CONCLUSIONS OF LAW Accordingly, based on the testimony and evidence presented at the hearing, the APPELLEE Village met its burden of proving, by substantial competent evidence, that the violations did exist on the subject property. FINAL ORDER BASED UPON THE FOREGOING FINDINGS OF FACT AND CONCLUSIONS OF LAW, AND AFTER TAKING TESTIMONY, HEARING ARGUMENT, AND CONSIDERING THE APPLICABLE LAW, IT IS ORDERED: THE UNDERSIGNED SPECIAL MAGISTRATE REDUCES THE FINE AMOUNT IMPOSED IN THIS CASE TO TWO HUNDRED AND 00/100 (\$200.00) FINE. THE APPELLANTS SHALL HAVE THIRTY (30) DAYS UNTIL FEBRUARY 20, 2020 TO PAY THIS REDUCED FINE AMOUNT TO THE VILLAGE. THE APPELLANT IS PUT ON NOTICE THAT IF THE APPELLANT REPEATS THIS SAME VIOLATION WITHIN FIVE (5) YEARS OF THE DATE OF THIS ORDER, THE APPELLANT SHALL BE TREATED AS A REPEAT VIOLATOR AND BE SUBJECT TO THE GREATER FINE AMOUNTS AUTHORIZED BY LAW IN THE INSTANCE OF A REPEAT VIOLATION. Done and Ordered this 21st day of January, 2020, in the Village of Palmetto Bay, Miami-Dade County, Florida.							
Follow Up Inspection	awhite		2/20/2020 2:23:43PM	Y 2/20/2020 2:23:43PM			
Comment: Orders came in on 2/14/2020 and sent out on 2/20/2020.							
Follow Up Inspection	awhite		2/24/2020 3:45:54PM	Y 2/24/2020 3:45:54PM			

Comment: RECEIVED PAYMENT IN THE AMOUNT OF \$200.00
 Officer Prepares Case Brief N
 Comment:
 Notice of Lien N
 Comment:
 Claim of Lien N
 Comment:
 Assign to Special Master or Payoff N
 Comment:
 Release Lien N
 Comment:
 Close Case vbencomo 2/24/2020 3:46:27PM Y 2/24/2020 3:46:27PM
 Comment: Property in compliance and payment received.
 CASE CLOSED.

Custom Fields

Field Name	Data Type	Code Type	Value
Abandon Property?	Boolean		N
CE Officer	Code	10	2
Daily Fine Amount	Money		
Daily Fine End Date	Date (mm/dd/yy)		
Daily Fine StartDate	Date (mm/dd/yy)		
Fine Mitigation %	Code	11	
Last Interest Date	Date (mm/dd/yy)		
One Time Fine Amount	Money		500
Record Lien	Boolean		N
Spc. Mst. Settlement	Boolean		N

Routing History

Approver	Date Out	Route Comment
vbencomo	2/24/2020 3:46:16PM	
vbencomo	2/24/2020 3:46:58PM	

Route Status

Group	Status	In Date	Out Date
Code Compliance	Routed	10/18/2019 9:48:58AM	2/24/2020 3:46:16PM
Close Case	Routed	2/24/2020 3:46:16PM	2/24/2020 3:46:58PM

Case #: CC-2020-3272

Type: Complaint	Status: Pending	Initiated Date: 03/05/2020
Disposition:		Compliance Date:
Description:		Closed Date:
Address: 8055 SW 142 TER PALMETTO BAY, FL 33158	APN: 3350220230190	Parcel ID: 77675

Responsible Party

Name: ALAU LLC	Home #:
Address: 1080 LUGO AVE MIAMI, FL 33156	Work #:

Owner *Owner is Responsible*

Name: ALAU LLC	Home/Cell/Work #:
Address: 1080 LUGO AVE MIAMI, FL 33156	Alt/Pager/Fax #:

Conditions

Actions

Action / Desc	Comp By	Hours Worked	Start Date	Completed / Date & Code
Insert record	vbencomo		3/5/2020 8:52:07AM	Y 3/5/2020 8:52:06AM
Comment: Good evening Mr White: I am writing to let you know that the people staying at the Air B&B across the street at 8055 have been rowdy and unruly for two evenings in a row. Both Jose Fernandez and I have called the police this evening. I can hear them screaming from my house across the way. Just wanted to make you aware of it and hopefully the police will file a report. Thank You, Margie Osinski				
Issue to Code Officer	awhite			N
Comment:				N
Follow Up Inspection				N
Comment:				N
Initial Investigation				N
Comment:				

Custom Fields

Field Name	Data Type	Code Type	Value
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Routing History

Approver	Date Out	Route Comment
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Route Status

Group	Status	In Date	Out Date
Code Compliance	Working	3/5/2020 8:52:14AM	

Case #: CC-2020-3233			
Type: Complaint	Status: Completed	Initiated Date: 01/28/2020	
Disposition:		Compliance Date: 02/09/2020	
Description:		Closed Date: 02/10/2020	
Address: 8055 SW 142 TER	APN: 3350220230190	Parcel ID: 77675	
PALMETTO BAY, FL 33158			
Responsible Party			
Name: ALAU LLC		Home #:	
Address: 1080 LUGO AVE		Work #:	
MIAMI, FL 33156			
Owner *Owner is Responsible*			
Name: ALAU LLC		Home/Cell/Work #:	
Address: 1080 LUGO AVE		Alt/Pager/Fax #:	
MIAMI, FL 33156			
Conditions			

3/6/2020 8:32:42AM

VILLAGE OF PALMETTO BAY

Actions

Action / Desc	Comp By	Hours Worked	Start Date	Completed / Date & Code
Insert record	vbencomo		1/28/2020 9:31:10AM	Y 1/28/2020 9:31:10AM

Comment: Good afternoon to all.

As some of you are well aware, we have an a short term vacation rental on my street that not one person in the area is happy about.

Several neighbors have made formal complaints, code enforcement has been to the house on multiple occasions and the police have also been to the home. However all this has only seemed to increase the amount of renters that have been in and out of the home. The property address is 8055 SW 142ND TER PALMETTO BAY, FL 33158.

After reading over all of the Villages requirements, ordinances and rental licenses it appears as though this home is breaking MANY laws as listed with in the Villages Ordinances. Below are a few that I am aware of.

They do NOT do the required Background Checks of all occupants.

They allow for more then 5 unrelated people to stay in the home.

The home has a pool and does NOT have the safety features as required.

They allow for parking on the streets and in neighboring yards

They market that a 4 bedroom home sleeps 14 people with 9 beds! This is well over the intended number of occupants for a home of this size.

Neither the homeowner nor his acting agent live in the home.

Here is some information that will save you time researching...

(Depending on your browser you may need copy and paste these links.)

Here is the link for the AirBnB listing. It states on here the property is managed by Grand Corporate and Vacation.
https://www.airbnb.com/rooms/38232362?location=Palmetto%20Bay%2C%20FL&adults=12&source_impression_id=p3_1580156890_0oGmVWGmqul%2B79kEO

When you go to the website for Grand Corporate and Vacation and click on this home it takes you to the AirBnB website.

Here is the VRBO Link, here it says this property is managed by a Gina Morales
<https://www.vrbo.com/1782394?adultsCount=12&noDates=true>

Neither Gina Morales nor Grand Corporate Vacation is the owner of this home. This home is owned by ALAU, LLC and Gina Morales is NOT an owner or officer of this corporation. ALAU has only two officers listed and those are David and Emily Lau who's home address is 1080 Lugo Ave Coral Gables, FL.

My question to each of you is, WHY is this home still allowed to freely operate as a short term vacation rental

3/6/2020 8:32:42AM

VILLAGE OF PALMETTO BAY

Village of Palmetto Bay
9705 E. Hibiscus Street
Palmetto Bay, Florida 33157
305 259-1241

From: tbarbato@aol.com <tbarbato@aol.com>
Sent: Monday, January 27, 2020 4:29 PM
To: Greg Truitt <gtruitt@palmettobay-fl.gov>; Karyn
Cunningham <kcunningham@palmettobay-fl.gov>; John
DuBois <jdubois@palmettobay-fl.gov>; Patrick Fiore
<pfiore@palmettobay-fl.gov>; David Singer
<dsinger@palmettobay-fl.gov>; Marsha Matson
<mmatson@palmettobay-fl.gov>
Subject: Short Term Vacation Rental

CAUTION: EXTERNAL SENDER -- Please avoid
opening any unexpected attachments or clicking any
strange links.

Good afternoon to all.

As some of you are well aware, we have an a short term
vacation rental on my street that not one person in the
area is happy about.

Several neighbors have made formal complaints, code
enforcement has been to the house on multiple
occasions and the police have also been to the home.
However all this has only seemed to increase the
amount of renters that have been in and out of the
home. The property address is
8055 SW 142ND TER PALMETTO BAY, FL 33158.

After reading over all of the Villages requirements,
ordinances and rental licenses it appears as though this
home is breaking MANY laws as listed with in the
Villages Ordinances. Below are a few that I am aware of.

They do NOT do the required Background Checks of all
occupants.

They allow for more then 5 unrelated people to stay in
the home.

The home has a pool and does NOT have the safety
features as required. They have a proper pool barrier
fence in the backyard with 2 gates. This pool barrier
would protect & reject a neighborhood child from
entering the pool. The gates have self-closing hinges
and child proof latches. On the east side yard gate, the
hinge hardware needs minor adjustment so that it
self-closes properly. The west gate needs the abutting
hedge to be trimmed back to allow the gate to swing
freely and or some adjustment. These two gates need to
be addressed!

The Florida Building Code has requirements for
protection from one exiting the (rear) of the home to the
pool. The code offers several ways to accomplish this
protection. Generally, on an existing home this
requirement would only be addressed when they are
pulling permits for a remodel and or a new pool. I did not
gain entry to the home to check for this type of interior
protection.

They allow for parking on the streets and in neighboring
yards

They market that a 4 bedroom home sleeps 14 people

with 9 beds! This is well over the intended number of occupants for a home of this size. Last I checked the FL hotels / restaurants statute defined a vacation rental as a FL Building Code R-3

310.5 Residential Group R-3.

Residential Group R-3 occupancies where the occupants are primarily permanent in nature and not classified as Group R-1, R-2, R-4 or I, including:

" Buildings that do not contain more than two dwelling units

" Boarding houses (nontransient) with 16 or fewer occupants

" Boarding houses (transient) with 10 or fewer occupants

" Care facilities that provide accommodations for five or fewer persons receiving care

" Congregate living facilities (nontransient) with 16 or fewer occupants

" Congregate living facilities (transient) with 10 or fewer occupants

" Lodging houses with five or fewer guest rooms

Boarding house transit or Lodging house ?

SECTION 202

DEFINITIONS

BOARDING HOUSE. A building arranged or used for lodging for compensation, with or without meals, and not occupied as a single-family unit.

LODGING HOUSE. A one-family dwelling where one or more occupants are primarily permanent in nature and rent is paid for guest rooms.

The definition of a boarding house does not seem to fit the circumstance of a single-family home. Lodging house does not apply. I know of no limit of occupants in a single-family home/ duplex. Perhaps in Dade housing ordinance?

Neither the homeowner nor his acting agent live in the home.

Here is some information that will save you time researching...

(Depending on your browser you may need copy and paste these links.)

Here is the link for the AirBnB listing. It states on here the property is managed by Grand Corporate and Vacation.

https://www.airbnb.com/rooms/38232362?location=Palmetto%20Bay%2C%20FL&adults=12&source_impression_id=p3_1580156890_0oGmWGMqul%2B79kEO

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corporation. ALAU has only two officers listed and those are David and Emily Lau who's home address is 1080 Lugo Ave Coral Gables, FL.

My question to each of you is, WHY is this home still allowed to freely operate as a short term vacation rental while breaking several laws based on the Villages own ordinances?

I would like a reply from each of you individually and not one blanket reply for all.

I thank you in advance for your time and replay and I look forward to hearing from you soon.

Tom Barbato
8025 SW 142 Terrace
Palmetto Bay, FL 33158

Custom Fields

Field Name	Data Type	Code Type	Value
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Routing History

Approver	Date Out	Route Comment
vbencomo	2/10/2020 8:16:53AM	

Route Status

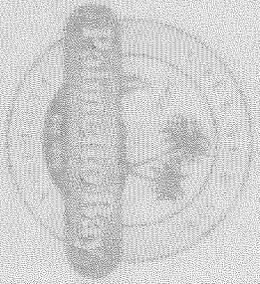
Group	Status	In Date	Out Date
Code Compliance	Routed	1/28/2020 9:31:19AM	2/10/2020 8:16:53AM

2020-081

VILLAGE OF PALMETTO BAY
9705 E. HIBISCUS STREET • PALMETTO BAY, FL 33157 • (305) 259-1234
Business Tax Receipt

Issued Date: 10/29/2019
Expiration Date: 9/30/2020

GRAND INVESTMENTS REALTY LLC
8055 SW 142 TER
PALMETTO BAY, FL 33158



Receipt #: V-000012
Business Type:
Vacation Rental License
Business Name:
GRAND INVESTMENTS REALTY LLC
Business Address:
8055 SW 142 TER

FINANCE DIRECTOR

SUBJECT TO ALL APPLICABLE LAWS • POST IN A CONSPICUOUS PLACE