

RESOLUTION NUMBER 24-128

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, WAIVING THE REQUIREMENT FOR PROOF OF USE OF A DWELLING UNIT AS A SHORT-TERM VACATION RENTAL DURING THE PRIOR YEAR DUE TO THE PENDANCY OF THE LOCAL STATES OF EMERGENCY FOR HURRICANES IAN AND IDALIA; DIRECTING TOWN STAFF TO ADMINISTER ANNUAL RENEWAL APPLICATIONS OF PREVIOUSLY REGISTERED MONTHLY AND WEEKLY SHORT-TERM VACATION RENTALS AND COLLECT SHORT TERM VACATION RENTAL FEES AS IF THE ANNUAL REGISTRATION WAS TIMELY RECEIVED AND THE HOUSES HAD BEEN RENTED DURING THE PRIOR YEAR UNTIL JUNE 1, 2025; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter of the Town of Fort Myers Beach empowers the Town to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, on September 28, 2022, the Town of Fort Myers Beach, residents and businesses in the Town of Fort Myers Beach was devastated by Hurricane Ian, resulting in the loss of lives, destruction of houses, and catastrophic financial losses; and

WHEREAS, since the arrival of Hurricane Ian, the Town has renewed and operated under a Local State of Emergency due to the impacts of Hurricane Ian and ongoing recovery efforts; and

WHEREAS, on August 29, 2023, the Town and its residents and businesses incurred additional damage and loss due to the effect of Hurricane Idalia, resulting in a second Local State of Emergency, which also remains in effect due to impacts of the storm and ongoing recovery efforts; and

WHEREAS, Section 10-198 of the Town of Fort Myers Beach Code of Ordinances (“Code”) contains regulations regarding short-term monthly vacation rentals, including but not limited to annual application renewal and payment of an administrative fee; and

WHEREAS, Section 34-2392 of the Code contains similar regulations as in Section 10-198 applicable to grandfathered short-term weekly rentals located in certain areas of the Town; and

WHEREAS, as a result of extensive damage and loss caused by Hurricanes Idalia and Ian, many property owners, due to no fault of their own, lost their ability to rent their properties as

required by Sections 10-198 and 34-2392 of the Code, due to needed repairs or required demolition of their short-term rental dwelling units; and

WHEREAS, a condition of a short-term rental renewal is evidence of short-term rental use of the dwelling unit during the preceding year, which for some short term rental property owners was a virtual impossibility; and

WHEREAS, the Town Council has determined it is in the best interest of the health, safety and welfare of the Town, as part of and in furtherance of its recovery efforts, to waive the requirement for evidence of short-term rental use of the dwelling unit during the preceding year until June 1, 2025 for previously registered short-term rentals, to prevent those properties from losing their short-term rental status while rebuilding and repairs are completed; and

WHEREAS, the Town Council deems it necessary to permit approval of the annual renewal applications of previously registered short-term vacation rentals as if they had not been destroyed or damaged by Hurricanes Ian or Idalia to prevent loss of their existing use as a short-term rental while the Town is rebuilding and recovering from Hurricanes Ian and Idalia; and

WHEREAS, the passage of this Resolution would serve the interests and welfare of the residents of the Town of Fort Myers Beach in the Town's comprehensive recovery and rebuilding efforts.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AS FOLLOWS:

Section 1. The above recitals are true, correct, incorporated herein by this reference, and adopted as the legislative and administrative findings of the Town Council.

Section 2. Town staff is hereby directed to process the renewal applications for previously registered short-term vacation rentals in accordance with findings stated in this Resolution.

Section 3. This Resolution shall take effect immediately upon adoption.

The foregoing Resolution was adopted by the Town Council upon a motion by Council Member King and seconded by Council Member Safford, and upon being put to a roll call vote, the result was as follows:

Dan Allers, Mayor	Aye
Jim Atterholt, Vice Mayor	Aye
John R. King, Council Member	Aye
Scott Safford, Council Member	Aye
Karen Woodson, Council Member	Aye

ADOPTED this 17th day of June 2024 by the Town Council of the Town of Fort Myers Beach, Florida.

FORT MYERS BEACH TOWN COUNCIL


Dan Allers (Jun 20, 2024 15:02 EDT)

Dan Allers, Mayor

ATTEST:



Amy Baker, Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:


Nancy Stuparich (Jun 20, 2024 16:48 EDT)

Vose Law Firm, Town Attorney

This Resolution was filed in the Office of the Town Clerk on this 20th day of June 2024.