

VACATION RENTALS City of Sebastian

Vacation rentals (residential units rented-out or offered for rent *more than three times in a calendar year for periods of less than 30 days or 1 calendar month*) are allowed in the City of Sebastian, subject to the following:

1. State license from the Florida Department of Business and Professional Regulation (DBPR)
Phone: **850-487-1395** or www.myfloridalicense.com/dbpr
2. Local Business Tax Receipt (LBTR) with Vacation Rental Registration Form and Life Safety Permit from the City of Sebastian Building Department:
772-589-5537.
3. Register with the Clerk of the Court for Tourist Development Tax: **772-226-3164**.
4. Compliance with the City of Sebastian Vacation Rental Ordinance (Ordinance O-18-08)

COMPLAINTS ABOUT VACATION RENTAL VIOLATIONS [**may remain anonymous**]

- Citizens Request Line: 772-581-0111
- Code Enforcement Line: 772-388-4436
- Report On-Line: <http://www.cityofsebastian.org/on-line-complaint-form>
- Report of public disturbance/nuisance: Sebastian Police Department 772-589-5233

- ATTACHMENTS:
- 1) City of Sebastian Vacation Rental Ordinance
 - 2) Supplemental Vacation Rental Registration Form to the Local Business Tax Application
 - 3) Life Safety Permit Application
 - 4) State Guide to Vacation Rentals

ORDINANCE NO. 0-18-08

AN ORDINANCE OF THE CITY OF SEBASTIAN, INDIAN RIVER COUNTY, FLORIDA, RELATING TO SHORT-TERM VACATION RENTALS; AMENDING THE LAND DEVELOPMENT CODE ARTICLE VII (GENERAL REGULATIONS) TO ESTABLISH REQUIREMENTS FOR VACATION RENTALS AND REGISTRATION FORMS BY CREATING ZONING CODE SECTION 54-2-7.22; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEBASTIAN, FLORIDA THAT THE CITY OF SEBASTIAN LAND DEVELOPMENT CODE (LDC) ARTICLE VII, GENERAL REGULATIONS, BE AMENDED AS FOLLOWS:

SECTION #1: Zoning code Section 54-2-7.22 is hereby created to read as follows:

1. Definitions:

- a) ***Vacation rental definition:*** Any residential dwelling which is rented or leased more than three times in a calendar year to a tenant, individual, group of individuals, or party for a period of less than 30 days, or which is advertised or held out to the public as a dwelling which may be regularly rented or leased for a period of less than 30 days (509.013 (F.S.)).
- b) ***Peer-to-peer or platform entity definition:*** any person, service, business, company, marketplace, or other entity that provides property owners, tenants and agents a platform or means to offer vacation rentals to occupants, whether through the internet or other means.

2. Vacation rental registration:

- a) For purposes of vacation rental regulations, "bedroom" is defined as follows: any room used principally for sleeping purposes and meeting applicable building code requirements for a bedroom.
- b) The owner of a vacation rental unit or the rental unit manager shall obtain a separate registration form required for each vacation rental unit. A registration may be transferred to a new owner upon submission of updated registration information and execution of, and assumption of, registration obligations and conditions on a form provided by the Community Development Department.
 - 1. Registration shall be managed by the Community Development Department in coordination with other City departments, local agencies, and state agencies.
 - 2. A Vacation Rental Registration Form, supplemental to the Local Business Tax Application, shall be submitted to the Building Department provided by the Community Development Department.
 - 3. Prior to issuance of a Business Tax Receipt, a Life Safety inspection of the vacation rental unit shall be conducted by a City Building Inspector for compliance with the requirements of this section.

(c) Registration form submittal requirements are as follows:

1. Rental unit owner and manager contact information (cell phone number, email address, mailing address).
2. Documentation that the applicant has obtained the following:
 - a. State DBPR license for vacation rental unit
 - b. Local business tax receipt from the City of Sebastian
 - c. Local tourist tax account from the Clerk of the Circuit Court
3. Parking compliance information: number of garage and/or carport spaces, maximum number of bedrooms, maximum number of automobiles allowed and location of spaces on improved or stabilized driveway.
4. Verification that carbon monoxide alarms, if required by code, and state license fire protection items have been provided in the vacation rental unit: smoke alarms, emergency lighting, and fire extinguisher.
5. Unit interior under air information: square footage and number of bedrooms.
6. Acknowledgment form executed and dated by the rental unit owner and/or manager. The acknowledgment form shall provide information regarding the following City requirements for vacation rentals.
 - a. Special parking regulations
 - b. Noise regulations: No excessive noise that would cause annoyance to any reasonable person of normal sensitivity from 11 pm to 6 am.
 - c. Fire safety requirements and maximum sleeping occupancy limitations
 - d. Fines and citation penalties for violations
7. Acknowledgment that the following information will be posted or displayed inside the vacation rental unit prior to inspection of the unit by the City staff and shall thereafter be continuously posted or displayed inside the vacation rental unit:
 - a. Property address
 - b. Manager contact information
 - c. Maximum number of parked automobiles and boats, and approved parking locations
 - d. Trash and recycling pick-up days and protocol for placing and retrieving Waste Management containers
 - e. Noise regulations: No excessive noise that would cause annoyance to any reasonable person of normal sensitivity from 11 pm to 6 am.
 - f. Location of smoke alarms, emergency lighting, and fire extinguisher.
 - g. Emergency information
 - h. Maximum sleeping occupancy (number of persons)
8. Acknowledgement that the applicant has contacted any applicable property owners association or homeowners/condo association and is aware of private restrictions, if any, that may affect operation of a vacation rental at the subject residence.

3. *Vacation rental local regulations:*

- a) To the extent that there is no conflict with these vacation rental regulations, all City regulations applicable to a residential unit that is not operated or used as a vacation rental unit shall also apply to a vacation rental unit.
- b) Parking and storage of boats and recreational vehicles shall conform to the requirements of zoning code section 54-2-7.13.
- c) Vacation Rental Special Parking Regulations:
 - 1. For a vacation rental the number of automobiles that may be parked outside of a carport or garage shall be limited to one automobile per bedroom, plus one (1), not to exceed a total of five (5) automobiles parked outside the carport or garage. Automobiles parked outside of a carport or garage shall be parked within a designated and improved or stabilized driveway that has been permitted and not within any required yard area.
 - 2. For all vacation rentals, all automobiles except for service and delivery vehicles shall be parked on-site and shall not be parked within a road right-of-way except within a designated and improved or stabilized driveway that has been permitted.
 - 3. Automobiles parked with a designated and improved or stabilized driveway shall not obstruct any sidewalks or pedestrian walkways.
- d) The overnight maximum sleeping occupancy of a vacation rental unit shall not exceed 2 persons per bedroom plus 2 additional persons. Notwithstanding the above, a maximum (cap) of 10 persons shall apply to each unit whether the unit is served by public sewer service or by an on-site sewage treatment and disposal system (septic/drain field system). The unit occupancy limit shall be stated on the local license.
- e) Fire protection items required for the state vacation rental license shall be provided in the vacation rental unit. In addition, a carbon monoxide (CO) alarm, when required under Section R315, Carbon Monoxide Alarms of the Florida Building Code-Residential, shall be provided.
- f) Changes in the vacation rental manager and/or changes in the manager contact information shall be provided to the Building Department within ten (10) days of the change.
- g) The local business tax receipt number, the occupancy limit, the maximum number of vehicles allowed to be parked on site outside any garage or carport, and the noise regulations statement contained in section (c)6b of these regulations, shall appear or be stated in any vacation rental unit advertisement or any rental offering associated with a vacation rental unit.
- h) Each year, the applicant shall submit a copy of a valid current state license to the Building Department upon renewal of their business tax receipt.

4. *Interim Operation of Vacation Rental Unit:*

Because of the length of time it may take to comply with all of the new requirements on this section, all short term vacation rental owners may lawfully operate up to three (3) months from notification (i.e. local news ad/article and City website) but shall have until December 31, 2018 to obtain a Local Business Tax receipt from the City and come into full compliance with the new standards and requirements imposed by this section. All short term vacation rental owners who do not comply with this ordinance within the aforementioned three (3) months will receive a citation in accordance with Section 54-1-2.2 of the city of Sebastian code. Once cited, short term vacation rental property owners will have 30 days to come into compliance with the regulations or incur a fine set by the special magistrate.

5. *Claim of Contract Impairment:*

It is not the intent of this ordinance to impair any existing contracts, leases, or reservations that are evidenced by writing. An owner who asserts the enacted ordinance amendment impairs a short term vacation rental contract in effect on or before September 12, 2018 shall submit the contract, lease or reservation, evidenced in writing, to the Community Development Director for review and consideration. An owner shall have until December 31, 2018 to submit the claim of impairment to the Community Development Director for determination. Appeal of the decision of the Community Development Director shall follow the appeal procedure set forth in Land Development Code Section 54-1-2.5(d).

SECTION #2: SEVERABILITY

If any clause, section or provision of this Ordinance shall be declared by a court of competent jurisdiction to be unconstitutional or invalid for any cause or reason, the same shall be eliminated from this Ordinance and the remaining portion of this Ordinance shall be in full force and effect and be as valid as if such invalid portion thereof had not been incorporated therein.

SECTION #3: REPEAL OF CONFLICTING ORDINANCES

The provisions of any other City of Sebastian ordinance that are inconsistent or in conflict with the provisions of this Ordinance are repealed to the extent of such inconsistency or conflict.

SECTION #4: INCLUSION IN THE CODE OF LAWS AND ORDINANCES

The provisions of this Ordinance shall become and be made a part of the Land Development Code of the City of Sebastian, Florida. The sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section", "article", or any other appropriate word.

SECTION #5: SCRIVENER'S ERRORS

Sections of this ordinance may be renumbered or re-lettered and corrections of typographical errors which do not affect the intent may be authorized by the City Manager, or the City Manager's designee, without need of public hearing, by filing a corrected or re-codified copy of same with the City Clerk.

SECTION #6: EFFECTIVE DATE

This Ordinance shall become effective immediately upon its adoption by the City Council.

The foregoing Ordinance was moved for adoption by Councilmember McPartlan. The motion was seconded by Councilmember Hill and, upon being put to a vote, the vote was as follows:

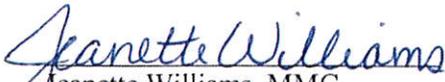
Mayor Jim Hill	<u>aye</u>
Vice Mayor Linda Kinchen	<u>aye</u>
Councilmember Ed Dodd	<u>aye</u>
Councilmember Albert Iovino	<u>aye</u>
Councilmember Bob McPartlan	<u>aye</u>

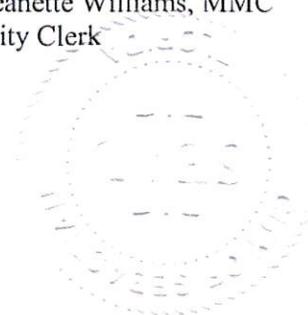
The Mayor thereupon declared this Ordinance duly passed and adopted this 12th day of September, 2018.

CITY OF SEBASTIAN, FLORIDA

By: 
Jim Hill, Mayor

ATTEST:


Jeanette Williams, MMC
City Clerk



Approved as to form and legality for
reliance by the City of Sebastian only:


James Stokes, City Attorney

CITY OF SEBASTIAN
SUPPLEMENTAL VACATION RENTAL REGISTRATION FORM
TO THE LOCAL BUSINESS TAX APPLICATION

1225 Main Street
Sebastian, Florida 32958
(772) 589-5537
Open 8:00 A.M. TO 4:30 P.M., Monday through Friday
Closed From 12:00PM to 1:00PM

DATE: _____

Note: Required acknowledgement form attached

Vacation Rental Unit address _____

City, State, ZIP _____

Applicant name _____

Applicant mailing address _____

City, State, ZIP _____

Applicant phone number _____

Applicant email address _____

Is Applicant the Property Owner? _____

Property Owner contact information _____

1. Rental unit manager contact information (If not the same as Applicant):

Manager Name: _____

Cell Phone number: _____

Email address: _____

Mailing address: _____

2. Total number of bedrooms: _____ Square footage of rental unit _____

3. Please attach the following:

- | | Attached |
|--------------------------------------------------------------------|----------|
| a. State license for vacation rental unit | _____ |
| b. Local tourist tax account # from the Clerk of the Circuit Court | _____ |
| c. Completed Local Business Tax Receipt Application | _____ |
| d. Completed Life Safety Permit Application | _____ |
| e. Vacation Rental Regulations Acknowledgement Form | _____ |
| f. Sketch or aerial showing parking spaces | _____ |

4. Parking information:

Location and number of parking spaces accommodated on improved or stabilized driveway (attach sketch or aerial):

5. Verification that state license fire protection items have been provided in the vacation rental unit: smoke alarms, emergency lighting, fire extinguisher. Verification of carbon monoxide (CO) alarm, when required: _____

6. Unit is served by (check one): Public sewer: _____
On-site septic/drain field system: _____

THE ABOVE INFORMATION AND STATEMENTS ARE TRUE TO THE BEST OF MY/OUR KNOWLEDGE AND I/WE WILL COMPLY WITH SECTION 54-2-7.22 OF THE LAND DEVELOPMENT REGULATIONS OF CITY OF SEBASTIAN, FLORIDA.

PROPERTY OWNER(S) NAME (PRINT): _____

PROPERTY OWNER(S) SIGNATURE(S): _____ DATE _____

_____ DATE _____

STATE OF _____

COUNTY OF _____

SWORN AND SUBSCRIBED TO BEFORE ME _____ THIS _____ DAY OF _____, 20____, WHO IS/ARE PERSONALLY KNOWN TO ME OR HAS/HAVE PRODUCED THEIR _____, AND WHO DID NOT TAKE AN OATH.

NOTARY PUBLIC: _____

PRINTED: _____

MY COMMISSION EXPIRES: _____ (stamp)

=====FOR OFFICE USE ONLY=====

DATE RECEIVED: _____ REVIEWER: _____

COMMENTS: _____

APPROVED: ___ DENIED: ___ APPROVED BY: _____ DATE: _____

**CITY OF SEBASTIAN
VACATION RENTAL REGULATIONS
ACKNOWLEDGMENT FORM**

1. I have reviewed and understand the following vacation rental regulations:

- a. Special parking regulations
- b. Noise regulations
- c. Fire safety requirements and maximum sleeping occupancy limitations
- d. Fines and citation penalties for violations

2. The following information has been posted or displayed inside the vacation rental unit:

- a. Property Address
- b. Manager contact information
- c. Maximum number/limit of parked automobiles, RV's and boats, and approved parking locations
- d. Trash and recycling pick up days and protocol for placing and retrieving Waste Management containers.
- e. Noise regulations: No excessive noise that would cause annoyance to any reasonable person of normal sensitivity from 11 pm to 6 am.
- f. Location of smoke alarms, emergency lighting, and fire extinguisher.
- g. Emergency information
- h. Maximum sleeping occupancy (number of persons)

3. I have contacted any applicable property owners association or homeowners/condo association and am aware of any applicable private restrictions.

4. I will ensure that any advertisement and any rental offering associated with the vacation rental unit will contain the following information:

- a. Local Business Tax Receipt Number
- b. Occupancy limit confirmed by the Building Director/Fire Marshall
- c. Maximum number of vehicles allowed to be parked outside a carport or garage
- d. Noise regulation summary

I hereby acknowledge that I fully understand and have provided the appropriate information noted above:

Applicant Name (print): _____ Date: _____

Applicant Signature: _____

City of Sebastian LOCAL BUSINESS TAX APPLICATION COMMERCIAL LOCATIONS

BUSINESS NAME _____

d/b/a _____

IF STATE LICENSED: *A COPY OF CURRENT STATE LICENSE MUST BE ATTACHED.*

BUSINESS ADDRESS:

Street _____ Sebastian, FL 32958

Suite/Bay /Unit No. _____

Building/Plaza Name _____

E-Mail Address: _____

MAILING ADDRESS (if different from business address):

Street _____

P.O. Box _____

City _____ State _____ Zip _____

BUSINESS TELEPHONE NO.: _____ **CELL PHONE NO.:** _____

NATURE OF BUSINESS (PLEASE BE SPECIFIC): _____

Applicant Information:

NAME _____ HOME TELEPHONE NO. _____

HOME ADDRESS _____ CITY _____ STATE _____ ZIP CODE _____

DRIVER'S LICENSE NO. _____ STATE _____

FEDERAL EMPLOYER I.D. NO. _____ OR SOCIAL SECURITY NUMBER _____

The City of Sebastian collects your social security number pursuant to Florida Statutes Section 205.0535(5) that provides "A receipt may not be issued unless the federal employer identification number or social security number is obtained from the person to be taxed."

Square footage: TOTAL _____ OFFICE SPACE _____ STORAGE _____ OTHER _____

Are you sharing office space? Yes No If yes, name of business _____

If change of address, previous address: _____

What was the last business at this location? _____

Are there any interior/exterior alterations to be performed prior to the start of business? Yes No If yes, describe _____

Is a sign required / needed for this business? Yes No

Is a temporary banner needed for the business? Yes No

Any use or storage of FLAMMABLE OR EXPLOSIVE MATERIALS? YES NO

Where will materials and equipment be stored? In a Commercial Building Outside building (give details) _____

EATING ESTABLISHMENTS: Number of Seats _____ GASOLINE SERVICE STATIONS: Number of Pumps _____

BARBER / BEAUTY / NAIL SALON:

No. of Chairs/Stations _____ WILL CHAIRS /STATIONS BE LEASED? YES NO Will you have retail sales? YES NO

Alarm Company Name & Phone Number: _____

Emergency Contact Information (provided to Police Department)

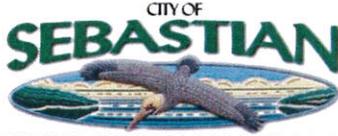
Name _____ Phone Number _____

Name _____ Phone Number _____

Name _____ Phone Number _____

I, _____, HEREBY DECLARE THAT THE PRECEDING STATEMENTS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT VIOLATION OF ANY FEDERAL, STATE OR LOCAL ORDINANCE IS GROUNDS FOR THE CITY OF SEBASTIAN TO VOID THE RECEIPT. BY MY SIGNATURE, I ACKNOWLEDGE THAT I HAVE BEEN MADE AWARE THAT ISSUANCE OF A BUSINESS TAX RECEIPT DOES NOT CONSTITUTE THE ONLY AUTHORIZATION REQUIRED TO CONDUCT A BUSINESS IN THE CITY OF SEBASTIAN. I FURTHER ACKNOWLEDGE THAT MY BUSINESS MUST BE LOCATED WITHIN A PROPERLY ZONED DISTRICT AND THAT THE LOCATION SITE MUST MEET AND MAINTAIN ALL FIRE, POLICE, PARKING, BUILDING, ELECTRICAL AND PLUMBING REQUIREMENTS TO CONDUCT A BUSINESS.

SIGNATURE OF APPLICANT _____ DATE _____



HOME OF PELICAN ISLAND
BUILDING DEPARTMENT
1225 MAIN STREET • SEBASTIAN, FLORIDA 32958
TELEPHONE: (772) 589-5537 • FAX (772) 589-2566

OWNER/BUILDER PERMIT APPLICATION

ALL OF THE FOLLOWING MUST BE FILLED IN BY APPLICANT, ACCORDING TO FS 713.135

PERMIT # _____ TRACKING # _____ DATE: _____

INDIAN RIVER COUNTY PARCEL ID # _____ RECEIVED BY: _____

LOT: _____ BLOCK: _____ SUBDIVISION: _____ FLOOD ZONE: _____

TYPE OF WORK: NEW STRUCTURE ADDITION ALTERATION REPAIR DEMOLITION OTHER

WORK INCLUDES: STRUCTURAL ELECTRICAL PLUMBING MECHANICAL ROOFING - SLOPE: _____
 POOL ALUMINUM STRUCTURE SHED FENCE SLAB OR DECK OTHER

WORK DESCRIPTION: SHORT-TERM VACATION RENTAL LIFE SAFETY PERMIT

ESTIMATED JOB VALUE: \$ _____ TOTAL S/F _____ UNDER AIR _____

JOB NAME: _____

JOB ADDRESS: _____

PROPERTY OWNER'S NAME: _____ PHONE: _____

ADDRESS: _____

CITY/STATE: _____ ZIP CODE _____

CONTRACTOR BUSINESS NAME: _____ LICENSE #: _____

ADDRESS: _____ CONTACT PHONE: _____

CITY/STATE: _____ ZIP CODE _____

CONTACT E-MAIL ADDRESS: _____

ARCHITECT/ENGINEER: _____ PHONE: _____

ADDRESS: _____

CITY/STATE: _____ ZIP CODE: _____

CONTACT E-MAIL ADDRESS: _____

PRESENT USE: _____ PROPOSED USE: _____ OCCUPANT LOAD: _____

NUMBER OF: STORIES BAYS UNITS BEDROOMS HEIGHT _____

TYPE OF CONSTRUCTION: _____ GROUP OCCUPANCY: _____ AREA _____

IS THE BUILDING PRESENTLY EQUIPPED WITH AN AUTOMATIC FIRE SPRINKLER SYSTEM? YES NO

BONDING COMPANY: _____ PHONE: _____

ADDRESS: _____ CITY/STATE: _____

MORTGAGE LENDER: _____ PHONE: _____

ADDRESS: _____ CITY/STATE: _____

FEE SIMPLE TITLE HOLDER: _____ PHONE: _____

ADDRESS: _____ CITY/STATE: _____

SUB-CONTRACTOR SUMMARY

PERMIT # _____ TRACKING # _____

_____ will be using the following sub-contractors
(Company/Business Name)
for the project located _____
(Street Address)

It is understood that **ALL** sub-contractors are required to be licensed regardless if a Separate permit is required. If there are any changes in status regarding the participation of the sub-contractors listed below, I will immediately advise the City of Sebastian Building Department.

ELECTRICAL CONTRACTOR: _____
QUALIFIER: _____
PHONE # _____ LICENSE # _____
E-MAIL ADDRESS: _____

PLUMBING CONTRACTOR: _____
QUALIFIER: _____
PHONE # _____ LICENSE # _____
E-MAIL ADDRESS: _____

MECHANICAL CONTRACTOR: _____
QUALIFIER: _____
PHONE # _____ LICENSE # _____
E-MAIL ADDRESS: _____

ROOFING CONTRACTOR: _____
QUALIFIER: _____
PHONE# _____ LICENSE # _____
E-MAIL ADDRESS: _____

OTHER CONTRACTOR: _____
QUALIFIER: _____
PHONE# _____ LICENSE # _____
E-MAIL ADDRESS: _____

**NOTE: THE ABOVE CONTRACTORS ARE REQUIRED TO PULL BUILDING PERMITS AND SHALL BE REQUIRED TO SUBMIT A "SUB-CONTRACTOR PERMIT APPLICATION" PRIOR TO ISSUANCE OF THE MASTER PERMIT.
ISSUANCE OF THE MASTER PERMIT.**

APPLICATION IS HEREBY MADE TO OBTAIN A PERMIT TO DO THE WORK AND INSTALLATIONS AS INDICATED. I CERTIFY THAT NO WORK OR INSTALLATION HAS COMMENCED PRIOR TO THE ISSUANCE OF A PERMIT AND THAT ALL WORK WILL BE PERFORMED TO MEET THE STANDARDS OF ALL LAWS REGULATING CONSTRUCTION IN THIS JURISDICTION. **I UNDERSTAND THAT A SEPARATE PERMIT MUST BE SECURED FOR ELECTRICAL WORK, PLUMBING, SIGNS, WELLS, POOLS, FURNACES, BOILERS, HEATERS, TANKS AND AIR CONDITIONERS, ETC.**

WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. **A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION.** IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT.

A CERTIFIED COPY OF THE RECORDED NOTICE OF COMMENCEMENT SIGNED BY THE OWNER, SHALL BE FILED WITH THE PERMITTING AUTHORITY IF THE VALUE IS \$2,500 OR MORE, EXCEPT HEATING OR AIR CONDITIONING CHANGE OUTS LESS THAT \$7,500.

NOTICE: IN ADDITION TO THE REQUIREMENTS OF THIS PERMIT, THERE MAY BE ADDITIONAL RESTRICTIONS APPLICABLE TO THIS PROPERTY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THE COUNTY, AND THERE MAY BE ADDITIONAL PERMITS REQUIRED FROM OTHER GOVERNMENTAL ENTITIES SUCH AS WATER MANAGEMENT DISTRICTS, STATE AGENCIES, OR FEDERAL AGENCIES.

ANY CHANGE IN BUILDING PLANS OR SPECIFICATIONS **MUST** BE RECORDED WITH THIS OFFICE. ANY WORK NOT COVERED ABOVE MUST HAVE A VALID PERMIT PRIOR TO STARTING. IN CONSIDERATION OF GRANTS, THIS PERMIT, THE OWNER, AND THE BUILDING CONTRACTOR AGREE TO ERECT THIS STRUCTURE IN FULL COMPLIANCE WITH THE BUILDING AND ZONING CODES OF THE CITY OF SEBASTIAN.

NOTE: THIS PERMIT APPLICATION IS VOID AFTER 180 DAYS UNLESS THE WORK, WHICH IT COVERS, HAS COMMENCED. **ALL CONTRACTORS MUST** HAVE A VALID STATE CERTIFICATION, STATE REGISTRATION, OR COUNTY COMPETENCY PLUS A COUNTY -WIDE LICENSE PRIOR TO OBTAINING PERMIT.

❖ OWNER/AGENT SIGNATURE

AN OWNER ACTING AS THEIR OWN CONTRACTOR MUST PERSONALLY APPEAR AT THE BUILDING DEPARTMENT TO SIGN THE PERMIT APPLICATION. PER FS 489.103

PRINTED NAME OF OWNER/AGENT

DATE: _____

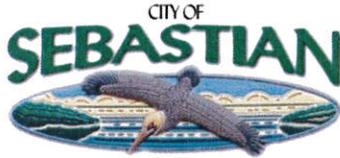
❖ Individuals who sign as the owner's agent must first obtain legal power of attorney to sign on their behalf.

**STATE OF FLORIDA
COUNTY OF**

I hereby certify that on this _____ day of _____, 20____ personally appeared _____ who is _____ personally known to me or has _____ produced identification.
Type of identification produced: _____.

Official Signature of Notary Public

Notary Seal



HOME OF PELICAN ISLAND

BUILDING DEPARTMENT
 1225 MAIN STREET • SEBASTIAN, FLORIDA 32958
 TELEPHONE: (772) 589-5537 • FAX (772) 589-2566

OWNER / BUILDER DISCLOSURE STATEMENT

As an owner of your property you may act as your own contractor through a specific exemption to contracting law. The following disclosure statement is required to be filled out by any owner who wishes to act as their own contractor and to express any applicable restrictions and responsibilities as required by Florida Statute 489.103.

OWNERS MUST PERSONALLY APPEAR AT THE BUILDING DEPARTMENT TO SIGN THE APPLICATION

BY SIGNING THIS STATEMENT, I ATTEST THAT: *(Initial to the left of each statement)*

	<p>I understand that state law requires construction to be done by a licensed contractor and have applied for an owner-builder permit under an exemption from the law. The exemption specifies that I, as the owner of the property listed, may act as my own contractor with certain restrictions even though I do not have a license.</p>
	<p>I understand that building permits are not required to be signed by a property owner unless he or she is responsible for the construction and is not hiring a licensed contractor to assume responsibility.</p>
	<p>I understand that, as an owner-builder, I am the responsible party of record on a permit. I understand that I may protect myself from potential financial risk by hiring a licensed contractor and having the permit filed in his or her name instead of my own name. I also understand that a contractor is required by law to be licensed in Florida and to list his or her license numbers on all permits and contracts.</p>
	<p>I Understand that I may build or improve a one-family or two-family residence or a farm outbuilding. I may also build or improve a commercial building if the costs do not exceed \$75,000. The building or residence must be for my own use or occupancy. It may not be built or substantially improved for sale or lease. If a building or residence that I have built or substantially improved myself is sold or leased within in 1 year after the construction is complete, the law will presume that I built or substantially improved it for sale or lease, which violates this exemption.</p>
	<p>I understand that, as the owner-builder, I must provide direct, onsite supervision of the construction.</p>
	<p>I understand that I may not hire an unlicensed individual person to act as my contractor or to supervise persons working on my building or residence. It is my responsibility to ensure that the persons whom I employ have the licenses required by law and by county ordinance.</p>
	<p>I understand that it is a frequent practice of unlicensed persons to have the property owner obtain an owner-builder permit that erroneously implies that the property owner is providing his or her own labor and materials. I, as an owner-builder, may be held liable and subjected to serious financial risk for any injuries sustained by an unlicensed person or his or her employees while working on my property. My homeowner's insurance may not provide coverage for those injuries. I am willfully acting as an owner-builder and am aware of the limits of my insurance coverage for injuries to workers on my property.</p>

	<p>I understand that I may not delegate the responsibility for supervising work to a licensed contractor who is not licensed to perform the work being done. <u>Any person working on my building who is not licensed must work under my direct supervision and must be employed by me, which means that I must comply with laws requiring the withholding of federal income tax and social security contributions under the Federal Insurance Contributions Act (FICA) and must provide workers' compensation for the employee.</u> I understand that my failure to follow these laws may subject me to serious financial risk.</p>
	<p>I agree that, as the party legally and financially responsible for this proposed construction activity, I will abide by all applicable laws and requirements that govern owner-builders as well as employers. I also understand that the construction must comply with all applicable laws, ordinances, building codes, and zoning regulations.</p>
	<p>I am of aware of construction practices and I have access to the Florida Building Code.</p>
	<p>I understand that I may obtain more information regarding my obligations as an employer from the Internal Revenue Service, the United States Small Business Administration, the Florida Department of Financial Services, and the Florida Department of Revenue. I also understand that I may contact the Florida Construction Industry Licensing Board at 1-850-487-1395 or at www.myflorida.com/dbpr/pro/cilb/ for more information about licensed contractors.</p>
	<p>I am aware of, and consent to, an owner-builder building permit applied for in my name and understand that I am the party legally and financially responsible for the proposed construction activity at the address listed below.</p>
	<p>I agree to notify the building department immediately of any additions, deletions, or changes to any of the information that I have provided on this disclosure or in the permit application package.</p>
	<p>Licensed contractors are regulated by laws designed to protect the public. If you contract with a person who does not have a license, the Construction Industry Licensing Board, the Department of Business and Professional Regulation and the building department may be unable to assist you with any financial loss that you sustain as a result of a complaint. Your only remedy against an unlicensed contractor may be in civil court. It is also important for you to understand that, if an unlicensed contractor or employee of an individual or firm is injured while working on your property, you may be held liable for damages. If you obtain an owner-builder permit and wish to hire a licensed contractor, you will be responsible for verifying whether the contractor is properly licensed and the status of the contractor's workers' compensation coverage.</p>

Property Address: _____

Signature of Owner-Builder

Date

STATE OF FLORIDA COUNTY OF INDIAN RIVER

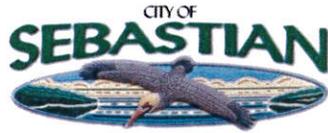
I hereby certify that on this _____ day of _____, 20____ personally appeared _____ who is _____ personally known to me or has _____ produced identification.

Type of identification produced: _____.

Official Signature of Notary Public

Notary Seal

A violation of this exemption is a misdemeanor of the first degree punishable by a term of imprisonment not exceeding 1 year and/or a \$1,000.00 fine in addition to any civil penalties. In addition, the local permitting jurisdiction shall withhold final approval, revoke the permit, or pursue any action or remedy for unlicensed activity against the owner and any person performing work that requires licensure under the permit issued.



HOME OF PELICAN ISLAND
BUILDING DEPARTMENT
1225 MAIN STREET • SEBASTIAN, FLORIDA 32958
TELEPHONE: (772) 589-5537 • FAX (772) 589-2566

PROJECT NAME/OWNER: _____
LOCATION/ADDRESS: _____
LIFE SAFETY PERMIT #: _____

VACATION RENTAL LIFE SAFETY INSPECTION CHECKLIST

****** Completed by Inspector ******

Inspection requested by applicant: _____ Date: _____
Inspection made: _____ Date: _____
Re-inspection: _____ Date: _____

PROPERTY FILE AND/OR UNIT INFORMATION:

- Number of bedrooms per approved building plan? _____
- Is property on public sewer or does it have an on-site system? _____
- Is there a guest house on-site? _____
- Garage/carport or no garage/carport? _____
- Is there a swimming pool or hot tub on site? _____
- Carbon monoxide alarm required/applicable?
(i.e. gas appliances or fire place inside, attached garage) _____
- Permitted additional parking areas besides driveway?
(i.e. driveway extensions or auxiliary driveways) _____

INSPECTION:

Parking:

- a) Total number of garage and/or carport parking spaces Actual _____
- b) Number of parking spaces on paved or stabilized driveway Actual _____

Occupancy/Bedrooms:

- a) Number of bedrooms Actual _____
- b) Number of beds Actual _____

Fire/Life Safety:

- | | Yes | No |
|------------------------------------------------------------------------------------------------------------------------------------|-----|-----|
| a) Smoke alarms (1 per floor, 1 per bedroom area [within 10 feet], 1 per bedroom, all interconnected, may be 10-year battery type) | [] | [] |
| b) Emergency lighting (at primary exit, wired) | [] | [] |
| c) Fire extinguisher (1 in kitchen area, Class 2-A 10-BC 5 lbs min. with current tag, use 5-point | | |

- checklist from Fire Prevention)*
- | | | | |
|------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|------------|-----------|
| d) | Carbon monoxide (CO) alarm <i>(if required, within 10 feet of bedroom areas, may be combo with smoke alarm)</i> | [] | [] |
| e) | Pool/Hot Tub Safety Barrier | [] | [] |
| Posted or Displayed Information Inside Rental Unit: | | Yes | No |
| a) | Property address | [] | [] |
| b) | Manager contact information | [] | [] |
| c) | Maximum number of parked automobiles and boats, and approved parking locations | [] | [] |
| d) | Trash and recycling pick-up days. Protocol for placing and retrieving Waste Management containers | [] | [] |
| e) | Noise regulations: No excessive noise that would cause annoyance to any reasonable person of normal sensitivity from 11 pm to 6 am | [] | [] |
| f) | Location of smoke alarms, emergency lighting, and fire extinguisher(s) | [] | [] |
| g) | Emergency and hospital information | [] | [] |
| h) | Maximum sleeping occupancy (number of persons) | [] | [] |

Comments/Problems _____

Date applicant contacted: _____

Telephone _____ Email _____ In person _____

Inspection Approval Date: _____

Inspector: _____

Smoke and Carbon Detector Installation and Required Location Summary

Location

1. **Sleeping Room** – In each sleeping room
2. **Sleeping Area** – Outside each separate sleeping area in the immediate vicinity (within 10') of the bedrooms.
3. **Story or Floor** - One on each additional *story* of the *dwelling*, including *basements* and habitable attics but not including crawl spaces and uninhabitable *attics*, even if there are no sleeping areas on that additional story. A detector located outside a sleeping area, as indicated in item 2 above, on the additional story will meet this requirement.
4. **Peaked Ceilings** - Shall be located within 36 in. horizontally of the peak, but not closer than 4 in. vertically to the peak.
5. **Sloped Ceilings** – having a rise greater than 1ft. in 8 ft. horizontally - shall be located within 36 in. of the high side of the ceiling, but not closer than 4 in. from the adjacent wall surface.
6. **Wall Mounting** – shall be located not farther than 12 in. from the adjoining ceiling surface.
7. **Ambient Temperature or Humidity** – Shall not be located where ambient conditions, including humidity and temperature, are outside the limits specified by the manufacturer's published instructions.
8. **Unfinished Attics, Garages or Other Spaces** – Shall not be located within unfinished attics or garages or in other spaces where temperature can fall below 40 Degrees F or exceed 100 Degrees F.
9. **Stationary or Fixed Cooking Appliances** – Shall not be installed within an area of exclusion determined by a 10 ft. radial distance along a horizontal flow path from a stationary or fixed cooking appliance, unless listed for that location. Alarms or detectors installed between 10 ft. and 20 ft. along a horizontal flow path from a stationary or fixed cooking appliance shall be equipped with an alarm-silencing means or use photoelectric detection.
10. **Bathroom Door** – Shall not be installed within 36 in. horizontal path from a door to a bathroom containing a shower or tub.
11. **HVAC Register** – Shall not be installed within a 36 in. horizontal path from the supply register of a forced air heating or cooling system and shall be installed outside of the direct airflow from those registers.

12. **Ceiling Fan** – Shall not be installed within a 36 in. horizontal path from the tip of the blade of a ceiling-suspended (paddle) fan.

Carbon Monoxide Alarms

1. **Carbon Monoxide Protection** – Every separate building or an addition to an existing building for which a permit for new construction is issued and having a fossil-fuel-burning heater or appliance, a fireplace, an attached garage, or other feature, texture, or element that emits carbon monoxide as byproduct of combustion shall have an operational carbon monoxide alarm installed within 10 feet of each room used for sleeping purposes.
2. **Combination Alarms** – Combination smoke/carbon monoxide alarms shall be listed and labeled by a nationally recognized testing laboratory.

Interconnection

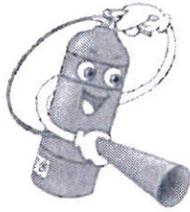
1. **Interconnection** – Where more than one smoke or carbon monoxide alarm is required to be installed within an individual dwelling unit, the alarm devices shall be interconnected in such a manner that the actuation of one alarm will activate all of the alarms in the individual unit. Physical interconnection of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm.

Power Source

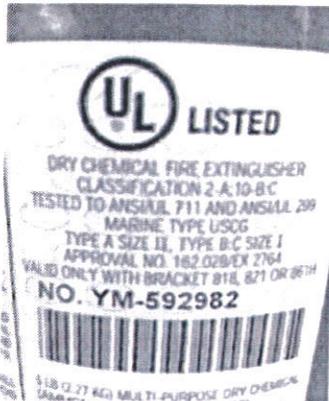
1. **Power Source (120 volt with battery back-up)** – Smoke alarms shall receive their primary power from the building wiring when such wiring is served from a commercial source, and when primary power is interrupted, shall receive power from a battery. Wiring shall be permanent and without a disconnecting switch other than those required for overcurrent protection.

Exceptions:

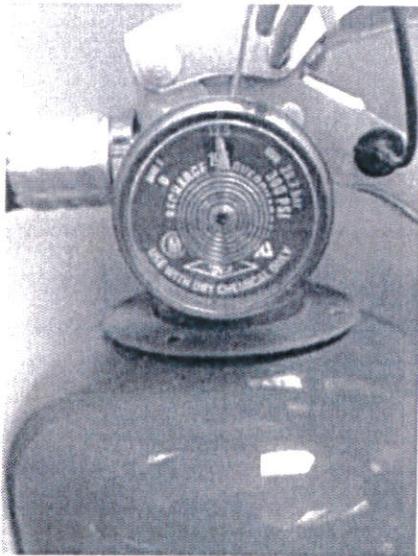
- a. Hard wiring of smoke alarms in existing areas shall not be required where the *alterations* or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an *attic*, crawl space or basement available which could provide access for hard wiring without the removal of interior finishes.
- b. One-family and two-family dwellings and townhomes undergoing a repair, or a Level 1 alteration as defined in the *Florida Building Code*, may use smoke alarms powered by a 10-year non-removable, non-replaceable batteries in lieu of retrofitting such dwelling with smoke alarms powered by the dwelling's electrical system.



5 things to look at during your inspection.



Make sure that the extinguisher is classified as 2-A: 10-BC and minimum of 5 Lbs. (10 lbs. is fine if the owner request one)



Check to make sure the needle is in the green area. This indicates (Proper charge). If the needle is in the recharge or overcharge area, the extinguisher needs to be service by a license Contractor.

Next look at the neck area, under the green collar. The green collar is the indicator of the hydro date. The Contractor will take it out of service a do a 6-12 year hydro inspection on it.

Look at the neck for rust or any compromise of the tank. The rust usually occurs were the extinguisher is expose to the elements.



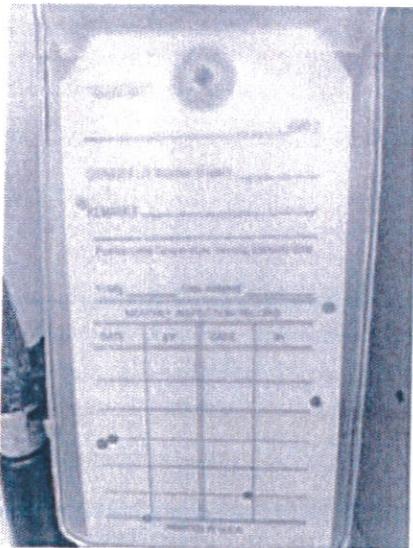
Look inside the nozzle opening for white residue. If you see what appears to be white talcum powder, this means that the extinguisher has been deployed. Advise owner, that servicing of the extinguisher is needed. This also should be noticed by the home owner, when he/she conducts the monthly visual inspection.



NO rust should be at the cylindrical round dome area of the extinguisher. If you notice rust at the outer edge, that is acceptable. However note it on your report. That way when you give it to the owner, this will reiterate what he/she already knows.



This is a service tag that needs to be affix on the extinguisher. This indicated to us when it was serviced. This extinguisher was service in MARCH of 2016. This means that the extinguisher is good until March of 2017. F/E's needs to be serviced annual by a state certified Fire Extinguisher Company.



This is the back of the service tag. It has 12 slots. This is for the home owner to visual check the extinguisher on a monthly bases.

Once the owner does his/her visual inspection, they are required to DATE it. Then INITIAL on the appropriate slot.

The two reasons for this tag is:

- I. It makes someone look at the extinguisher, in case it gets deployed
- II. It lets us know the service date.

GUIDE TO Vacation Rentals and Timeshare Projects

*For Florida's
Public Lodging Establishments*



Division of Hotels and Restaurants

Florida Department of
**Business &
Professional
Regulation**

www.MyFloridaLicense.com/dbpr/hr

- Potable water shall be supplied and adequate sanitary facilities for guests. E.g., showers, handwash sinks and toilets that are connected to approved plumbing.
 - Water from a nonpublic system (e.g., well) shall be sampled and tested at least annually and as required by state water quality regulations.
 - The most recent sample report for the nonpublic water system shall be available upon request.
 - The kitchen sink is required to have hot and cold running water under pressure.
 - Ice making machines must use water from an approved source and shall be constructed, located, installed, operated, and maintained to prevent contamination of the ice.
 - Ice machines for customer self-service shall be protected from contamination and equipped so the ice can be automatically dispensed.
 - Units must be kept free of vermin.
 - If provided:
 - Bedding and linens, sheets and pillowcases, and bedding items (e.g., mattresses, comforters and pillows) must be kept clean and in good condition.
 - Soap must be available either individually wrapped or from a dispenser.
 - Ice buckets shall be cleaned and sanitized between each guest or be provided with a sanitary single-service food-grade liner that is changed daily.
 - **Safety**
 - A current Certificate of Balcony Inspection (DBPR HR 7020) must be filed with the division every three years, unless exterior balconies and stairwells are "common" elements of a condominium. (For exemption to this requirement, the licensee must provide proof to the division that these areas are common elements.) The balcony certificate is available from the Division of Hotels and Restaurants website at <http://www.myfloridalicense.com/>; by e-mail request submitted at <http://www.myfloridalicense.com/contactus/>; or by phone request to 850.487.1395.
 - Railings shall be installed on all stairways and around all porches and steps.
 - Heating and ventilation must be kept in good repair or installed to maintain a minimum of 68 degrees Fahrenheit throughout the building.
 - Boiler Certificate required, if needed. (Not required if boiler is located in common area.) A water heating device is considered a boiler if it exceeds any one of the following limits: maximum heat input of 400,000 BTUH; water temperature of 210 degrees Fahrenheit; water capacity of 120 gallons.
 - High hazard areas like boiler rooms and laundry rooms shall be kept clean and free of debris and flammables.
 - At least one (1) approved locking device is required that cannot be opened by a non-master guest room key on all outside and connecting doors. (Cannot be a sliding chain or hook and eye type of locking device.)
 - Smoke alarms must be installed in every living unit.
 - Electrical wiring must be in good repair.
 - A fire extinguisher must be present, properly charged and accessible.
 - If present, fire alarm panel must have power and be maintained.
 - Automatic fire sprinklers may be required in Vacation Rental condominiums if the majority of the rental units are located within a single building of three stories or more or greater than 75 feet in height. (If 50% or fewer of the units within the building are rented transiently, a fire sprinkler system is not required.)
 - Specialized smoke alarms for the hearing impaired shall be available at a rate of one per every fifty rental units with a maximum of five required.
 - Specialized smoke alarms for the hearing impaired shall be available upon request without charge.
 - Must meet all local fire authority requirements.
- General**
- License must be current and renewed annually.
 - License shall be conspicuously displayed in the office or lobby (if available) or made available upon request.
 - Any change in the number of units must be reported to the division.
 - License is not transferrable from one place or individual to another.
 - If provided, baby cribs must meet safety standards established by the Consumer Products Safety Commission.

Vacation Rentals & Timeshare Projects

The Division of Hotels and Restaurants is responsible for regulating public lodging establishments in Florida.

Florida law defines a "Public lodging establishment" as transient public lodging establishments and non-transient public lodging establishments. [Section 509.013(4), FS]

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 times in a calendar year for periods of less than 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests."

Vacation Rental: Vacation rentals are transient public lodging establishments defined in s. 509.242(1)(c), FS, as: 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.

Timeshare Project: A timeshare property (as defined in Chapter 721, F.S.) that is located in Florida and is also a transient public lodging establishment. (E.g., a timeshare property that rents by the week to guests outside the timeshare community.) (509.242(1)(g), F.S.)

License Classifications

Vacation rentals and timeshare project licenses have three different classifications (61C-1.002(4)(a), F.A.C.):

- **Single License:** May include one single home or townhome, or a unit or group of units within a single building that are operated by the owner.
- **Group License:** Covers all units within a building or group of buildings in a single complex that are licensed to a licensed agent. (Multiple group licenses may be issued to different licensed agents for units located on the same property.)
- **Collective License:** Issued to a group of houses or units found in separate locations that are represented by the same licensed agent. (A collective license may have a maximum of 75 houses or units per license and is restricted to counties within one district.)

If you operate both vacation rental condominiums and vacation rental dwellings, you may not combine them on the same license in any of the three licensing categories.

Licensed Agent

A licensed agent is someone that the property owner has authorized, through a rental agreement or contract, to hold out the property for rent on a transient basis. The licensed agent does not have to hold a license from the Division of Real Estate.

Only a licensed agent can hold a group or collective license. A licensed agent may not hold a single license. The licensed agent is responsible for all violations cited during an inspection if the violations occurred while the unit or dwelling was listed under the licensed agent (or if the division records list the property under the licensed agent).

Licensing

To obtain a Vacation Rental or Timeshare Project license you need to fill out an Application for Vacation Rental or Timeshare Project License. The application packet is available at <https://www.myfloridalicense.com/intentions2.asp?chBoard=true&boardid=200&SID>.

The Application for License must be submitted along with the following items:

- A list of all units or houses to be licensed.
- A completed DBPR HR-7020, Certificate of Balcony Inspection if the units or houses are 3 or more stories in height and the railings, stairwells and/or balconies are not in common areas.

- **Appropriate Fees:** Fees are based on the number of units to be licensed. An automated fee calculator and fee tables are provided on our website at [our lodging license fee page](#). You also can contact the Customer Contact Center at 850.487.1395 to obtain the correct license fee. In addition to the license fee, there is a one-time application processing fee of \$50.

Licensing Exclusions

Renting a single room or rooms other than the whole unit is not classified as a public lodging and would not require a license from the Division of Hotels and Restaurants.

Also the definition of a public lodging establishment does not include (509.013(4)(b), F.S.):

- Any dormitory or other living or sleeping facility maintained by a public or private school, college, or university for the use of students, faculty, or visitors.
- Any facility certified or licensed and regulated by the Agency for Health Care Administration (AHCA) or the Department of Children and Families (DCF) or other similar place regulated under s. 381.0072, F.S. E.g.,

hospitals, nursing homes, assisted living facilities, sanitariums and day care centers.

- Any place renting four rental units or less, unless the rental units are advertised or held out to the public to be places that are regularly rented to transients.
- Any vacation rental or timeshare project that is rented for periods of at least 30 days or 1 calendar month, whichever is less; AND is not advertised or held out to the public as a place regularly rented for periods of less than 1 calendar month, provided that no more than four rental units within a single complex of buildings are available for rent.
- Any migrant labor camp or residential migrant housing permitted by the Department of Health (DOH); under Chapters 381.008-381.00895, F.S. or any mobile home park inspected by the Department of Health (DOH) and regulated under Chapter 513, F.S.
- Any nonprofit organization that operates a facility providing housing only to patients, patients' families, and patients' caregivers and not to the general public.
- Any apartment building inspected by the U.S. Department of Housing and Urban Development (HUD) that is designated primarily as housing for persons at least 62 years of age. This exclusion applies to individual buildings, not entire complexes (unless every building in the complex fits the criteria).
- Any roominghouse, boardinghouse, or other living or sleeping facility that may not be classified as a hotel, motel, apartment, timeshare project, vacation rental, nontransient apartment, bed and breakfast inn, or transient apartment under s. 509.242, F.S.

Sanitation

- Halls, entrances, hall/stair runners and stairways (unless common) shall be clean, ventilated, and well-lighted day and night.
- Kitchen appliances and refrigeration equipment shall be kept clean, free from odors and in good repair.
- If dishes and glassware are provided, you must sanitize them between guests. (Proper warewashing requires a three-compartment sink or commercial dishwasher; OR the operator must post a notice informing guests that the dishes and glassware have not been sanitized according to public food service establishment standards. The notice must include the specific language on the notice available from the division website at <http://www.myfloridalicense.com/DBPR/hotels-restaurants/forms-publications/>.)
- Toxic items must be properly stored and labeled.