



CITY OF MARCO ISLAND

To: Michael D. Murphy, Fire Rescue Chief
From: Ray Munyon, Fire Code Official
Date: Feb. 14, 2008
Re: Resort Single Family Dwelling Information

The following represents the process required by various governmental agencies for single family units held out as 509 Resort Dwellings.

DBPR (Department of Business and Professional Regulation):

All Single family dwellings held out as resort rentals as defined in F.S. 509 are licensed by DBPR. The state does not notify Municipality or County agencies of the licensing of such dwellings.

Though requested, DBPR has not issued a statement regarding the frequency of inspections performed of these dwellings.

Collier County:

Collier County currently has an ordinance that regulates residential rental units both single family and multi-family. The ordinance is under the purview of Collier County Code Enforcement who governs all residential rental properties (See 26 page documentation below).

According to a Collier Code Enforcement contact, they have no knowledge of 509 dwellings licensed by the State, nor do they know what they are. Upon explaining a 509 Resort dwelling they stated ordinance 04-58 applies to all rental properties regardless of rental time frames.

In Collier County a rental unit is initially identified through a compliant owner who requests a rental certificate or through a complaint filed against the property.

The contact noted that Collier County does not issue rental certificates for rental dwellings on Marco Island.

Resort Dwelling Rental Requirements
As Imposed by Florida Statute 509

Resort Dwelling Rental Requirements as Imposed by Florida Statute 509;

Division of Hotels and Restaurants

Guide to

Resort Dwellings

The Division of Hotels and Restaurants provides the following information as a general guide for resort dwelling licensing in Florida and does not represent this to be all requirements for maintaining a license. For complete information, we recommend you refer to applicable [laws and rules](#) and our [licensing website](#).

This webpage replaces our brochure: DBPR Form HR 5025-753, Guide to Resort Dwelling Licensing.

Resort Dwellings

Florida law defines a resort dwelling as

. . . any individually or collectively owned one-family, two-family, three-family, or four-family dwelling house or dwelling unit which is rented 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 for periods of less than 30 days or 1 calendar month, whichever is less.

[\[Section 509.242\(1\)\(g\), Florida Statutes \(FS\)\]](#)

The Division of Hotels and Restaurants licenses resort dwellings in one of the following classifications:

- A **SINGLE** license may include one or multiple units within a building or group of buildings owned and operated by an individual person or entity, but not an agent licensed under [Chapter 475, FS](#).
- A **GROUP** license is a license issued to a licensed agent to cover all rooms or units within a building or group of buildings in a single complex.
- A **COLLECTIVE** license is issued to a licensed agent who represents a collective group of units found on separate locations. A collective license is limited to 75 units or less and is restricted to counties within one district.

The establishment must display all current licenses or copies of licenses in a conspicuous place on the premises. In addition, a current copy of Chapter 509, Florida Statutes, must be available to guests upon request.

Requirements

Keep the unit clean, safe and in good physical condition.

Install smoke detectors in guest areas.

Specialized smoke detectors for the hearing impaired must be available at a rate of one per every fifty rental units or fraction thereof. There is a maximum requirement of 5 hearing impaired smoke detectors for each license.

If provided, bedding and linens must be clean, unworn and properly stored. Size mattress pads, bed sheets and blankets appropriately to the mattress or bed so that the entire sleeping area of the mattress is covered. Sheets and pillowcases must be in good condition, and cleaned and changed between each guest. Bedding items, such as mattresses, comforters and pillows must be thoroughly aired, disinfected and kept clean.

If provided, make soap available either in individually wrapped bars or as liquid soap in a dispenser.

Baby cribs provided to guests must meet safety standards established by the [Consumer Products Safety Commission](#).

If you provide dishes and glassware, you must sanitize all of them between guests. Alternately, you may post a notice informing guests that you do not sanitize the dishes and glassware.

Keep the establishment free of vermin.

The electrical system must be proper and safe. Do not use extension cords.

All units must comply with the requirements of [NFPA](#) 101, the Life Safety Code.

Add all units to the state license before renting to guests.

Licensees must file periodic updates with the division indicating which units added and/or dropped from the license.

Additional Requirements for One- and Two- Family Homes

Install an approved smoke detector outside of each sleeping area and one inside each bedroom. Provide power to these smoke detectors through the building electrical system.

Provide at least one primary means of egress, a door, stairway, or ramp providing unobstructed exit travel to the outside of the building.

Also, provide a secondary means of escape, which may include a door or outside window with a clear opening of 5.7 square feet, not less than 20 inches wide or 24 inches high, with a bottom not higher than 44 inches.

If the building has an automatic sprinkler system, the smoke detector in each bedroom and secondary means of egress are not required.

The maximum occupancy is one person per 150 square feet gross floor area.

Provide battery powered emergency lighting for at least one hour that activates automatically in the event of an interruption of normal lighting.

Post a floor diagram reflecting the actual floor arrangement, primary exit location, secondary exit location, and room identification in a conspicuous place.

Provide a fire-safety information pamphlet for guests describing evacuation of the dwelling, smoke detector information, and procedures for reporting a fire or other emergency.

Locate a 2A10BC fire extinguisher so that the maximum travel distance does not exceed 50 feet.

Additional Requirements for Buildings of Three Stories or More

If a majority of the rental units within a single building of three stories or more with interior means of egress or greater than 75 feet in height, resort condominiums require automatic fire sprinklers installed according to [NFPA](#) Chapter 13.

Unless exterior balconies and stairs are “common elements” of the condominium, you must file a [Certificate of Balcony Inspection, form DBPR HR-7020](#), with the division every three years. For exemption to this requirement, the licensee must provide proof to the division that these areas are common elements.

Notice To Agents Holding Collective or Group Licenses

[Rule 61C-1.002\(4\)\(c\) 5.g.](#), Florida Administrative Code (FAC), states:

In the case of a collective license or group license, the licensed agent shall be responsible for all violations pursuant to Chapter 509, FS, and Chapters 61C-1 and 61C-3, FAC, if violations occurred while the unit or dwelling was listed under the licensed agent or as reflected in records filed with the division.

Food Service and Lodging Inspection Types

The Division of Hotels and Restaurants categorizes its inspections for better tracking and reporting. Each inspection "visit" is grouped into one of the following categories. The first time the inspector visits the establishment for an inspection is referred to as an "initial" visit. Any subsequent visits that result from deficiencies found at an initial visit are called "callbacks." Although the terms "initial" and "callback" are not specifically referenced in the inspection types, they are indicated by the visit number found in the inspection extracts. The term "callback" is also indicated in some of the inspection dispositions below.

Licensing – An inspection completed upon initial licensure or change of ownership.

Routine – A scheduled inspection, unannounced to the restaurant. An inspector will conduct a complete inspection covering all items in the regulations for compliance.

Complaint Partial – An inspection conducted as a result of a complaint received by the division. The specifics of the complaint are evaluated and discussed with the person in charge.

Complaint Full – A complete inspection conducted as result of a complaint received by the division. If the inspector arrives at the establishment and determines that it is due for a routine inspection, the inspector has the option of performing a "Complaint Full" inspection.

Epidemiological – An inspection conducted in response to a report of food borne illness. The division notifies the Florida Department of Health and works closely with them in these situations.

Information – A visit by an inspector at the request of a licensee to address an educational issue.

Service Request – A visit by an inspector at the request of a licensee to perform a specific task, such as a beverage inspection. Service requests are often changed to one of the other classes of inspection upon arrival at the establishment.

Temporary – A visit by an inspector to a food service vendor operating at a temporary event of 1-30 days, such as a fair, festival, etc.

Fire Code
NFPA Life Safety Code 101;
Chapter 24 One- and Two-Family Dwellings

NFPA Life Safety Code 101; Chapter 24 One- and Two-Family Dwellings

24.1 General Requirements.

24.1.1 Application.

24.1.1.1* The requirements of this chapter shall apply to one- and two-family dwellings, which shall include those buildings containing not more than two dwelling units in which each dwelling unit is occupied by members of a single family with not more than three outsiders, if any, accommodated in rented rooms.

24.1.1.2 The requirements of this chapter shall apply to new buildings and to existing or modified buildings according to the provisions of 1.3.1 of this Code.

24.1.2 Multiple Occupancies.

24.1.2.1 Multiple occupancies shall be in accordance with 6.1.14.

24.1.2.2 No dwelling unit of a residential occupancy shall have its sole means of egress pass through any nonresidential occupancy in the same building, unless otherwise permitted by 24.1.2.2.1 or 24.1.2.2.2.

24.1.2.2.1 In buildings that are protected by an automatic sprinkler system in accordance with Section 9.7, dwelling units of a residential occupancy shall be permitted to have their sole means of egress pass through a nonresidential occupancy in the same building, provided that the following criteria are met:

- (1) The dwelling unit of the residential occupancy shall comply with Chapter 24.
- (2) The sole means of egress from the dwelling unit of the residential occupancy shall not pass through a high hazard contents area as defined in 6.2.2.4.

24.1.2.2.2 In buildings that are not protected by an automatic sprinkler system in accordance with Section 9.7, dwelling units of a residential occupancy shall be permitted to have their sole means of egress pass through a nonresidential occupancy in the same building, provided that the following criteria are met:

- (1) The sole means of egress from the dwelling unit of the residential occupancy to the exterior shall be separated from the remainder of the building by fire barriers having a fire resistance rating of not less than 1 hour.
- (2) The dwelling unit of the residential occupancy shall comply with Chapter 24.
- (3) The sole means of egress from the dwelling unit of the residential occupancy shall not pass through a high hazard contents area as defined in 6.2.2.4.

24.1.2.3 Multiple dwelling units of a residential occupancy shall be permitted to be located above a nonresidential occupancy only where one of the following conditions exists:

(1) Where the dwelling unit of the residential occupancy and exits therefrom are separated from the nonresidential occupancy by construction having a fire resistance rating of not less than 1 hour

(2) Where the nonresidential occupancy is protected throughout by an approved, supervised automatic sprinkler system in accordance with Section 9.7

(3) Where the nonresidential occupancy is protected by an automatic fire detection system in accordance with Section 9.6

24.1.3 Special Definitions. Special terms applicable to this chapter are defined in Chapter 3 of this Code. Where necessary, other terms are defined in the text.

24.1.4 Classification of Occupancy. See 6.1.8 and 24.1.1.1.

24.1.5 Classification of Hazard of Contents. The contents of residential occupancies shall be classified as ordinary hazard in accordance with 6.2.2.

24.1.6 Minimum Construction Requirements. (No special requirements)

24.1.7 Occupant Load. (No requirements)

24.2* Means of Escape Requirements.

24.2.1 General. The provisions of Chapter 7 shall not apply to means of escape, unless specifically referenced in this chapter.

24.2.2 Number and Types of Means of Escape.

24.2.2.1 Number of Means of Escape.

24.2.2.1.1 In dwellings or dwelling units of two rooms or more, every sleeping room and every living area shall have not less than one primary means of escape and one secondary means of escape.

24.2.2.1.2 A secondary means of escape shall not be required where one of the following conditions are met:

(1) The bedroom or living area has a door leading directly to the outside of the building at or to grade level.

(2) The dwelling unit is protected throughout by an approved automatic sprinkler system in accordance with 24.3.5.

24.2.2.2 Primary Means of Escape. The primary means of escape shall be a door, stairway, or ramp providing a means of unobstructed travel to the outside of the dwelling unit at street or ground level.

24.2.2.3* Secondary Means of Escape. The secondary means of escape, other than an existing approved means of escape, shall be one of the means specified in 24.2.2.3.1 through 24.2.2.3.3.

24.2.2.3.1 It shall be a door, stairway, passage, or hall providing a way of unobstructed travel to the outside of the dwelling at street or ground level that is independent of and remote from the primary means of escape.

24.2.2.3.2 It shall be a passage through an adjacent nonlockable space, independent of and remote from the primary means of escape, to any approved means of escape.

24.2.2.3.3* It shall be an outside window or door operable from the inside without the use of tools, keys, or special effort and shall provide a clear opening of not less than 5.7 ft² (0.53 m²). The width shall be not less than 20 in. (510 mm), and the height shall be not less than 24 in. (610 mm). The bottom of the opening shall be not more than 44 in. (1120 mm) above the floor. Such means of escape shall be acceptable where one of the following criteria is met:

(1) The window shall be within 20 ft (6100 mm) of grade.

(2) The window shall be directly accessible to fire department rescue apparatus as approved by the authority having jurisdiction.

(3) The window or door shall open onto an exterior balcony.

(4) Windows having a sill height below the adjacent ground level shall be provided with a window well meeting the following criteria:

(a) The window well shall have horizontal dimensions that allow the window to be fully opened.

(b) The window well shall have an accessible net clear opening of not less than 9 ft² (0.82 m²) with a length and width of not less than 36 in. (915 mm).

(c) A window well with a vertical depth of more than 44 in. (1120 mm) shall be equipped with an approved permanently affixed ladder or with steps meeting the following criteria:

i. The ladder or steps shall not encroach more than 6 in. (150 mm) into the required dimensions of the window well.

ii. The ladder or steps shall not be obstructed by the window.

24.2.2.3.4 Ladders or steps that comply with the requirements of 24.2.2.3.3(4)(c) shall be exempt from the requirements of 7.2.2.

24.2.2.4 Two Primary Means of Escape. In buildings, other than existing buildings and other than those protected throughout by an approved, supervised automatic sprinkler system in accordance with 24.3.5, every story more than 2000 ft² (185 m²) in area within the dwelling unit shall be provided with two primary means of escape remotely located from each other.

24.2.3 Arrangement of Means of Escape. Any required path of travel in a means of escape from any room to the outside shall not pass through another room or apartment not under the immediate control of the occupant of the first room or through a bathroom or other space subject to locking.

24.2.4 Doors.

24.2.4.1 Doors in the path of travel of a means of escape, other than bathroom doors in accordance with 24.2.4.2 and doors serving a room not exceeding 70 ft² (6.5 m²), shall be not less than 28 in. (710 mm) wide.

24.2.4.2 Bathroom doors and doors serving a room not exceeding 70 ft² (6.5 m²) shall be not less than 24 in. (610 mm) wide.

24.2.4.3 Doors shall be not less than 6 ft 6 in. (1980 mm) in nominal height.

24.2.4.4 Every closet door latch shall be such that children can open the door from inside the closet.

24.2.4.5 Every bathroom door shall be designed to allow opening from the outside during an emergency when locked.

24.2.4.6 Doors shall be swinging or sliding.

24.2.4.7* No door in any means of escape shall be locked against egress when the building is occupied. All locking devices that impede or prohibit egress or that cannot be easily disengaged shall be prohibited.

24.2.4.8 Floor levels at doors in the primary means of escape shall comply with 7.2.1.3, unless otherwise permitted by the following:

(1) Where the door discharges to the outside or to an exterior balcony or exterior exit access, the floor level outside the door shall be permitted to be one step lower than the inside, but shall not be in excess of 7 in. (180 mm).

(2) A door at the top of a stair shall be permitted to open directly at a stair, provided that the door does not swing over the stair and the door serves an area with an occupant load of fewer than 50 persons.

24.2.4.9 Forces to open doors shall comply with 7.2.1.4.5.

24.2.4.10 Latching devices for doors shall comply with 7.2.1.5.9.

24.2.5 Stairs, Ramps, and Guards.

24.2.5.1 Stairs, ramps, guards, and handrails shall be in accordance with 7.2.2 for stairs, 7.2.2.4 for guards, and 7.2.5 for ramps, as modified by 24.2.5.1.1 through 24.2.5.1.3.

24.2.5.1.1 The provisions of 7.2.2.5, 7.2.5.5, and 7.7.3 shall not apply.

24.2.5.1.2 If serving as a secondary means of escape, stairs complying with the fire escape requirements of Table 7.2.8.4.1(a) or Table 7.2.8.4.1(b) shall be permitted.

24.2.5.1.3 If serving as a secondary means of escape, ramps complying with the existing ramp requirements of Table 7.2.5.2(b) shall be permitted.

24.2.5.2 Interior stairways shall be provided with means capable of providing artificial light at the minimum level specified by 7.8.1.3 for exit stairs, measured at the center of treads and on landing surfaces within 24 in. (610 mm) of step nosings.

24.2.5.3 For interior stairways, manual lighting controls shall be reachable and operable without traversing any step of the stair.

24.2.5.4 The clear width of stairs, landings, ramps, balconies, and porches shall be not less than 36 in. (910 mm), measured in accordance with 7.3.2.

24.2.5.5 Spiral stairs and winders in accordance with 7.2.2.2.3 and 7.2.2.2.4 shall be permitted within a single dwelling unit.

24.2.5.6 No sleeping rooms or living areas shall be accessible only by a ladder, a stair ladder, an alternating tread device, or folding stairs or through a trap door.

24.2.6 Hallways.

24.2.6.1 The width of hallways, other than existing approved hallways, which shall be permitted to continue to be used, shall be not less than 36 in. (910 mm).

24.2.6.2 The height of hallways, other than existing approved hallways, which shall be permitted to continue to be used, shall be not less than 7 ft (2135 mm) nominal, with clearance below projections from the ceiling of not less than 6 ft 8 in. (2030 mm) nominal.

24.2.7 Bulkheads.

24.2.7.1 Bulkhead Enclosures. Where provided, bulkhead enclosures shall provide direct access to the basement from the exterior.

24.2.7.2 Bulkhead Enclosure Stairways. Stairways serving bulkhead enclosures that are not part of the required primary means of escape, and that provide access from the outside grade level to the basement, shall be exempt from the provisions of 24.2.5.1 when the maximum height from the basement finished floor level to grade adjacent to the stairway does not exceed 8 ft (2440 mm), and the grade level opening to the stairway is covered by a bulkhead enclosure with hinged doors or other approved means.

24.3 Protection.

24.3.1 Protection of Vertical Openings. (No requirements)

24.3.2 Reserved.

24.3.3 Interior Finish.

24.3.3.1 General. Interior finish shall be in accordance with Section 10.2.

24.3.3.2 Interior Wall and Ceiling Finish. Interior wall and ceiling finish materials complying with Section 10.2 shall be Class A, Class B, or Class C.

24.3.3.3 Interior Floor Finish. (No requirements)

24.3.3.4 Contents and Furnishings. Contents and furnishings shall not be required to comply with Section 10.3.

24.3.4 Detection, Alarm, and Communications Systems. Smoke alarms or a smoke detection system shall be provided in accordance with either 24.3.4.1 or 24.3.4.2, as modified by 24.3.4.3.

24.3.4.1 Smoke alarms shall be installed in accordance with 9.6.2.9 in the following locations:

- (1) All sleeping rooms in other than existing one- and two-family dwellings
- (2) Outside of each separate sleeping area, in the immediate vicinity of the sleeping rooms
- (3) On each level of the dwelling unit, including basements

24.3.4.2 Dwelling units shall be protected by an approved smoke detection system in accordance with Section 9.6 and equipped with an approved means of occupant notification.

24.3.4.3 In existing one- and two-family dwellings, approved smoke alarms powered by batteries shall be permitted.

24.3.5* Extinguishment Requirements.

24.3.5.1 All new one- and two-family dwellings shall be protected throughout by an approved automatic sprinkler system in accordance with 24.3.5.2.

24.3.5.2 Where an automatic sprinkler system is installed, either for total or partial building coverage, the system shall be in accordance with Section 9.7; in buildings up to and including four stories in height, systems in accordance with NFPA 13R, Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height, and with NFPA 13D, Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes, shall also be permitted.

24.4 Reserved.

24.5 Building Services.

24.5.1 Heating, Ventilating, and Air-Conditioning.

24.5.1.1 Heating, ventilating, and air-conditioning equipment shall comply with the provisions of Section 9.2.

24.5.1.2 Unvented fuel-fired heaters shall not be used, unless they are listed and approved.

Florida Administrative Code, Chapter 69A

Florida Administrative Code, Chapter 69A

69A-43.018 One and Two Family Dwellings, Recreational Vehicles and Mobile Homes Licensed as Public Lodging Establishments.

(1) This section applies to one and two family dwellings, recreational vehicles and mobile homes licensed as public lodging establishments as defined in Section 509.013(4)(a), F.S. Except as modified by this rule, one and two family dwellings used by more than one party per living unit shall comply with Chapter 24, One-Family and Two-Family Dwellings, of NFPA 101, Life Safety Code, as adopted in Chapter 69A-3, F.A.C., and incorporated by reference therein.

(2) Three family and four family dwellings licensed as public lodging establishments shall comply with Chapter 28, New Hotels and Dormitories or Chapter 29, Existing Hotels and Dormitories, of NFPA 101, Life Safety Code, as adopted in Chapter 69A-3, F.A.C., and incorporated by reference therein.

(3) Smoke detectors.

(a) One and two family dwellings and mobile homes shall have an approved single station or multiple station smoke detectors continuously powered by the house electrical system.

(b) Recreational vehicles shall have an approved single station smoke detector continuously powered by 120 volt electrical service.

(c) In addition to paragraph (a) or (b) above, an approved single station smoke detector powered by the building electrical system, and 120 volt AC electrical service for recreational vehicles, shall be provided in each sleeping room.

(d) To qualify as “approved,” smoke detectors shall be installed in accordance with NFPA 72, National Fire Alarm Code, the edition as adopted in Chapter 69A-3, F.A.C., and incorporated by reference therein.

(4) Means of egress.

(a) Every one and two family dwelling, recreational vehicle or mobile home licensed as a public lodging establishment shall have a minimum of one primary exit and one secondary means of escape.

(b) The primary means of exit shall be a door, stairway, or ramp providing a means of unobstructed exit travel to the outside of the dwelling, recreational vehicle or mobile home, at street or ground level.

(c) The secondary means of escape shall be one of the following:

1. A door, stairway or ramp providing a way of unobstructed exit travel to the outside of the dwelling, recreational vehicle or mobile home, at street or ground level that is independent of and remote from the primary means of exit; or

2. An outside window or door operable from the inside, without the use of tools or special equipment, that provides a clear opening having a minimum of 5.7 square feet of area with no dimension less than 20 inches in width or 24 inches in height. The bottom of the opening shall not be more than 44 inches off the floor. The opening must be directly accessible to fire department rescue apparatus or fire department extension ladder.

(d) The secondary means of exit and sleeping room smoke detectors are not required if the dwelling, recreational vehicle or mobile home is protected throughout by an approved automatic sprinkler system in accordance with NFPA 13, Standard for

Installation of Sprinkler Systems, or NFPA 13D, Standard for the Installation of Sprinkler Systems in One and Two Family Dwellings and Mobile Homes, or NFPA 13R, Standard for the Installation of Sprinkler Systems in Residential Occupancies Up to Four Stories in Height, as adopted in Chapter 69A-3, F.A.C., and incorporated by reference therein.

(5) The maximum occupancy load permitted for one and two family dwellings and mobile homes licensed as public lodging establishments shall be computed at 150 square feet gross floor area per person. The occupancy load for recreational vehicles licensed as public lodging establishments will be the occupancy load designated by the manufacturer of the recreational vehicle, which shall be posted in the vehicle.

(6) Battery powered emergency lighting shall be provided for a period of not less than one (1) hour to illuminate the primary exit.

The emergency lighting shall provide illumination automatically in the event of any interruption of normal lighting.

(7) Minimum acceptable portable fire extinguisher requirements shall conform to NFPA 10, as adopted in Rule 69A-3.012, F.A.C.

(8) A floor diagram reflecting the actual floor arrangement, primary exit location, secondary exit location and room identification shall be posted in a conspicuous location.

(9) A fire safety information pamphlet describing evacuation of the dwelling or vehicle, smoke detector information, procedures for reporting a fire or other emergency shall be provided to guests.

(10) Unvented fuel fired heaters shall not be utilized in one and two family dwellings, recreational vehicles or mobile homes licensed as public lodging establishments.

(11) Specialized smoke detectors for the deaf and hearing impaired shall be available upon request by guests in public lodging establishments at a rate of at least one such smoke detector per 50 dwelling units or portions thereof, not to exceed five such smoke detectors per public lodging facility, as provided in Section 509.215(8), F.S.

Specific Authority 509.215(7), 633.01, 633.022(1)(b), 721.24(5) FS. Law Implemented 509.215(7), 633.01(1), 633.022(1)(b), 721.24(5) FS. History—New 5-23-94, Amended 9-6-01, Formerly 4A-43.018.