

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, AMENDING THE CITY OF CAPE CORAL, FLORIDA, CODE OF ORDINANCES, CHAPTER 12, "OFFENSES AND MISCELLANEOUS PROVISIONS", ARTICLE XIV, "RESIDENTIAL RENTAL PROPERTY", SECTION 12-129, "RESIDENTIAL RENTAL PROPERTY REGISTRATION"; REGARDING THE REQUIREMENT TO REGISTER RESIDENTIAL RENTAL PROPERTY WITH THE CITY; PROVIDING FOR CODIFICATION AND RESOLUTION OF CONFLICTING LAWS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Mayor and City Council recognize the significant number of residential rental properties located within the City of Cape Coral; and

WHEREAS, to ensure that property owners of residential rental properties are notified of code violations at their property, it is necessary for the City to maintain current and accurate contact information for such owners; and

WHEREAS, the Mayor and City Council hereby find that this ordinance is in the best interest of the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, AS FOLLOWS:

SECTION 1. The foregoing recitals are incorporated by reference and are approved.

SECTION 2. Chapter 12, Article XIV, Section 12-129, Cape Coral Code of Ordinances, is hereby amended to read as follows:

## **CHAPTER 12 ARTICLE XIV**

### **§ 12-129 Residential rental property registration.**

(a) *Purpose and intent.* The purpose and intent of this section is to establish a registration process to address the significant amount of residential rental property located within the City of Cape Coral. It is the City's further intent to specifically establish a residential rental property registration program as a mechanism to protect neighborhoods from becoming blighted through the lack of adequate maintenance of residential rental properties.

(b) *Definitions.* For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

*Dwelling unit* shall have the same meaning as provided in Article 11 of the Cape Coral Land Development Code, as amended.

*Leased or rented* shall mean any arrangement, by written agreement or otherwise, in order to lease, sublease, rent, license, sublicense, or allow occupancy of a residential rental property.

*Long term residential rental property* shall mean a residential rental property that is leased or rented to another person or entity for a consecutive period greater than six (6) months.

*Owner* shall mean any person having any legal or equitable interest in any residential rental property.

*Parcel* shall have the same meaning as provided in Article 11 of the Cape Coral Land Development Code, as amended.

*Residential rental property* shall mean a dwelling unit, or any habitable space located in a residential or mixed-use structure including, but not limited to, condominiums, single-family dwellings, and multi-family dwellings, containing four individual dwelling units or fewer that is leased or rented to another person or entity. Residential rental property shall not include any dwelling unit that is owned by a federal, state, or local housing program or the federal Department of Housing and Urban

Development, hotels, motels, or any community residential facility licensed and inspected by the state of Florida. ~~Residential rental property shall not include public lodging establishments, as defined in Section 509.013, Florida Statutes, except for vacation rentals, as defined in Section 509.242, Florida Statutes. Residential rental property shall not include dwelling units that are owner-occupied.~~

Short term residential rental property shall mean a residential rental property that is leased or rented to another person or entity for a period of six (6) months or less.

(c) *Registration of residential rental property required.*

- (1) The owner of any residential rental property located in the City of Cape Coral shall be required to register each said property with the ~~Department of Community Development~~ City Clerk's Department ("Department"), on forms provided by the City or through the online registration portal on the City's website.
- (2) The registration by the owner shall provide the City with contact information for the residential rental property, including, but not limited to, legal name of the owner, and an individual or company name, direct mailing address, email address (if any), and telephone number for a person or entity responsible to respond to any nuisances, code violations, and emergencies that may arise at the residential rental property.
- (3) The owner shall maintain current contact information with the Department and shall be required to notify the Department within thirty (30) days after any changes to the registration information provided to the City. In the event ownership of the residential rental property changes, the new owner shall register said property with the Department within thirty (30) days from the date of such ownership transfer, in accordance with Subsection (c)(1) above.
- (4) At the time of registering a residential rental property with the City, and on the anniversary date of such registration each year, the owner shall pay a one-time fee of \$35.00 for an individual dwelling unit. The annual registration fees for long term residential rental property and short term residential rental property shall be established by Resolution of the City Council. Notwithstanding the foregoing, owners of residential or mixed-use structures containing more than one dwelling unit, when each unit is owned by the same owner and located on the same parcel, may register all such units with the Department under a single registration and pay a one-time one (1) annual registration fee of \$35.00 for the long term residential rental property or short term residential rental property, as the case may be. The failure of the owner to renew its residential rental property registration with the City within thirty (30) days of the anniversary date of such registration will result in a late fee as established by Resolution of the City Council.

(d) *Enforcement and penalties.* The failure to register a residential rental property with the City, or otherwise comply with this section, shall be a violation of this section and subject the owner to the code enforcement provisions and procedures provided in Section 2-81 through 2-96, Cape Coral Code of Ordinances.

- (1) Notwithstanding any civil penalty provided for in Subsection (d)(2) or (d)(3) below, any owner registering a residential rental property with the City as a long term residential rental property that is subsequently found to be renting or leasing such residential rental property as a short term residential rental property shall constitute a violation of Subsection (c)(1) and shall be subject to the following civil penalties:
  - a. If the violation is the first offense, the owner shall receive a civil penalty of \$1,000.00.
  - b. If the violation is the second or any subsequent violation within the preceding 36-months, the owner shall receive a civil penalty of \$2,000.00.
- (2) Notwithstanding any civil penalty provided for in Subsection (d)(1) or (d)(3) herein, any owner that has failed to renew its residential rental property registration within

thirty (30) days of the anniversary date of such registration, and is found in violation of Section 12-129, shall be subject to the late fee as established by Resolution of the City Council, and shall be subject to the following civil penalties:

- a. The civil penalty for a violation of this section by the owner of a long term residential rental property shall be \$250.00. The civil penalty for a second and any subsequent violation of this section within any 36-month period by the owner of a long term residential rental property shall be \$500.00.
  - b. The civil penalty for a violation of this section by the owner of a short term residential rental property shall be \$500.00. The civil penalty for a second and any subsequent violation of this section within any 36-month period by the owner of a short term residential rental property shall be \$1,000.00.
  - c. Each day any violation of any provision of this section shall continue shall constitute a separate offense.
  - d. The Special Magistrate shall not have the discretion to alter the civil penalties prescribed in this section.
- (3) Notwithstanding any civil penalty provided for in Subsection (d)(1) or (d)(2) above, any owner that is found in violation of Section 12-129, shall be subject to the following civil penalties:
- a. The civil penalty for a violation of this section by the owner of a long term residential rental property shall be \$500.00. The civil penalty for a second and any subsequent violation of this section within any 36-month period by the owner of a long term residential rental property shall be \$1,000.00.
  - b. The civil penalty for a violation of this section by the owner of a short term residential rental property shall be \$1,000.00. The civil penalty for a second and any subsequent violation of this section within any 36-month period by the owner of a short term residential rental property shall be \$2,000.00.
  - c. Each day any violation of any provision of this section shall continue shall constitute a separate offense.
  - d. The Special Magistrate shall not have the discretion to alter the civil penalties prescribed in this section.
- (4) The City Clerk, or City Clerk's designee, shall notify the Lee County Property Appraiser in writing of any property that is found in violation of this section and which a homestead exemption is claimed.

SECTION 3. Severability. In the event that any portion or Section of this ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or Sections of this ordinance which shall remain in full force and effect.

SECTION 4. Effective Date. This ordinance shall become effective on January 1, 2026.

ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, AT THEIR REGULAR SESSION THIS 17th DAY OF September, 2025.

  
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JOHN GUNTER, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

GUNTER  
STEINKE  
LEHMANN  
DONNELL

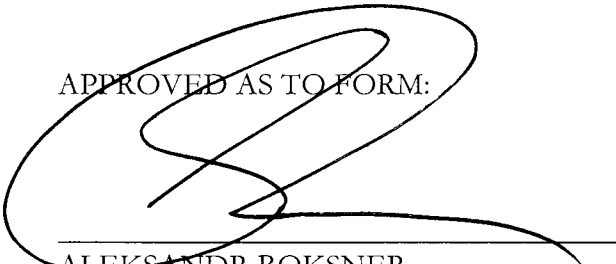
nay  
aye  
aye  
aye

LASTRA  
KILRAINE  
LONG  
KADUK

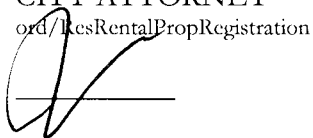
aye  
nay  
aye  
nay

ATTESTED TO AND FILED IN MY OFFICE THIS 22<sup>nd</sup> DAY OF September,  
2025.

APPROVED AS TO FORM:



ALEKSANDR BOKSNER  
CITY ATTORNEY  
ord/KesRentalPropRegistration



  
KIMBERLY BRUNS  
CITY CLERK