

**IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT,  
IN AND FOR MANATEE COUNTY, FLORIDA**

**FLORIDA GULF COAST VACATION  
HOMES, LLC, d/b/a ANNA MARIA  
VACATIONS, a Florida limited liability  
Company,  
Plaintiff,**

vs.

**Case No. 2016 CA 000629**

**CITY OF ANNA MARIA, a municipality  
of the State of Florida,  
Defendant.**

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**ORDER DENYING PLAINTIFF'S MOTION FOR FINAL  
SUMMARY JUDGMENT AND GRANTING DEFENDANT'S MOTION  
FOR FINAL SUMMARY JUDGMENT**

**THIS CAUSE** came to be heard on April 1, 2016 by the Court upon Plaintiffs, Florida Gulf Coast Vacation Homes, LLC, d/b/a Anna Maria Vacations, motion filed February 26, 2016 for final summary judgment against Defendant, City of Anna Maria; and Defendant's motion filed March 1, 2016 for final summary judgment against Plaintiff. Randolph L. Smith appeared on behalf of the Plaintiff. Wade C. Vose and Gretchen R. H. Vose appeared with Mayor Dan Murphy from the City of Anna Maria. The Court, after a review of the motions and memorandums of law (and all exhibits) and argument of counsel and being otherwise fully advised in the premises, finds as follows

The parties agree that the facts are undisputed for the purposes of their competing motions for summary judgment. Accordingly, there is no genuine issue of a material fact in dispute which would preclude the Court from entering final summary judgment.

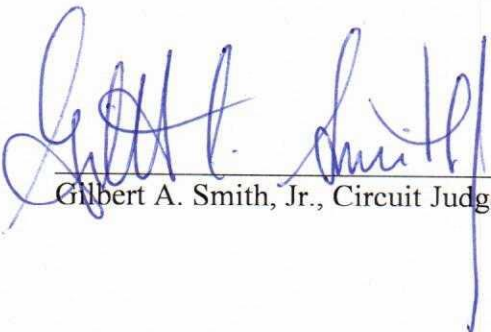
Both parties agree that the only issue for the Court to decide is whether Defendant's Section 108-53 of Article 3 of Ordinance 15-807 is null and void and conflicts with and is

preempted by Section 509.032(7), Florida Statute. After a review of the Ordinance and Section 509.032(7), the Court finds that the Ordinance does not conflict with Section 509.032(7). The Ordinance does not prohibit vacation rentals that have historically been rented to more guests than is permitted under the occupancy regulations set forth in the Ordinance. The limitation on occupancy is a regulation that does not impinge in any way on the regulatory subjects of frequency or duration of rental as outlined in Section 509.032(7). Therefore, the regulation of the Ordinance is not in conflict with and is not preempted by Section 509.032(7). Therefore, it is

**ORDERED AND ADJUDGED** that:

1. Plaintiff's motion for final summary judgment against Defendant is **DENIED**.
2. Defendant's motion for final summary judgment against Plaintiff is **GRANTED**.

**DONE AND ORDERED** in Chambers in Bradenton, Manatee County, Florida, this 8<sup>th</sup> day of April, 2016.

  
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Gilbert A. Smith, Jr., Circuit Judge

Copies to:  
Randolph L. Smith, Esquire  
Aaron Thomas, Esquire  
[rsmith@najmythompson.com](mailto:rsmith@najmythompson.com)  
[athomas@najmythompson.com](mailto:athomas@najmythompson.com)

Wade C. Vose, Esquire  
Gretchen R. H. Vose, Esquire  
[bvose@voselaw.com](mailto:bvose@voselaw.com)  
[cdarcy@voselaw.com](mailto:cdarcy@voselaw.com)  
[service@voselaw.com](mailto:service@voselaw.com)