

# Fire & Life Safety Bureau

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## Press Release

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[www.wmfr.org](http://www.wmfr.org)

Media Contact: Fire Chief Ben Rigney  
941-201-7811  
[Ben@wmfr.org](mailto:Ben@wmfr.org)

### **Court Rules in Favor of West Manatee Fire District in Short-Term Rental Assessment Case**

**Manatee County, FL** — The West Manatee Fire and Rescue District (“District”) has prevailed on all counts in a legal challenge brought by a short-term residential property owner over the District’s higher non-ad valorem assessment rates for such properties.

The case, *C&D Properties of AMI, LLC v. West Manatee Fire and Rescue District*, Case No. 2024-CA-000334, was decided in the Circuit Court of Manatee County by the Honorable Judge Edward Nicholas. On May 22, 2025, the Court entered an Order Granting Final Summary Judgment in favor of the District, followed by a Final Judgment Order on May 29, 2025. The plaintiff did not appeal the ruling, and the appeal period has now expired.

The plaintiff argued that the District’s imposition of a higher “commercial” assessment rate on short-term vacation rental properties was an unlawful regulation and preempted by Florida Statutes § 509.032(7). The Court rejected those claims, upholding the District’s authority to increase assessments based on property usage—particularly where such use demands higher service levels and resource allocation from the fire department.

Florida’s Fire Prevention Code requires elevated life safety standards, inspections, and enforcement from fire departments for short-term rentals—legally classified as transient public lodging establishments—compared to traditional single-family residential properties. The Court confirmed that the District lawfully applied its special assessment powers to equitably apportion costs among properties requiring more extensive fire and safety services.

The higher commercial rate applied to vacation rentals mirrors that of other residentially zoned properties with intensified use, such as assisted living facilities and daycares, which are also subject to stricter Fire Code standards.

Importantly, the Court found that the District’s assessments did not constitute a regulation and did not prohibit or limit vacation rental operations, nor regulate the duration or frequency of such rentals. The ruling also held that the assessments were neither expressly nor implicitly preempted by Florida law.

“The Fire Commission has never opposed short-term vacation rentals within the District,” said Fire Chief Ben Rigney. “The Fire Commission believes that property owners have the right to choose how they use their homes. However, if they opt to operate a vacation rental, they should bear the additional costs for the inspections and life safety enforcement required by the Florida Fire Prevention Code. The Court’s decision affirms our commitment to ensuring all assessments are fair and equitable for all property owners in the District.”

The West Manatee Fire & Rescue District is an Independent Special Fire Control District located on the west side of Manatee County, Florida. The District serves the cities of Anna Maria, Bradenton Beach, and Holmes Beach on Anna Maria Island, as well as the unincorporated areas of Cortez, Palma Sola, and Northwest Bradenton. It operates three fire stations with 53 career personnel, covering approximately 20,529 parcels.