

**MINUTES — MARCH 1, 2023**  
**CITY OF INDIAN ROCKS BEACH**  
**CITY COMMISSION WORK SESSION**

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The Indian Rocks Beach Regular City Commission Work Session was held on **WEDNESDAY, MARCH 1, 2023**, in the City Commission Chambers, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida.

Mayor-Commissioner Kennedy called the meeting to order at 5:00 p.m., followed by the Pledge of Allegiance and a moment of silence in remembrance of two the city's residents Butch Brown and Burton Schoepf.

**PRESENT:** Mayor-Commissioner Joanne Moston Kennedy, Vice Mayor-Commissioner Denise Houseberg, Commissioner Bond, Commissioner Philip J. Hanna, Commissioner Joseph D. McCall, and City Manager Brently Gregg Mims.

**OTHERS PRESENT:** City Attorney Randy D. Mora, City Clerk Deanne B. O'Reilly, MMC, Captain Michael Leiner of the Pinellas County Sheriff's Office, Fire Chief Jeffrey Davidson of the Pinellas Suncoast Fire and Rescue District, Assistant Fire Chief Doug Higley of the Pinellas Suncoast Fire and Rescue District, and Brian McCarty, IT Consultant.

*(To provide continuity for research, items are listed in agenda order although not necessarily discussed in that order.)*

**1. DISCUSSION OF ORDINANCE NO. 2023-02 — Vacation Rental Regulations.**

City Attorney Mora stated the city commission had a work session on January 24, 2023, wherein the city commission talked more abstractly about the general policy direction the city commission wished to move into regarding short-term rentals in their regulations and operation in the city.

During that discussion, he received consensus direction from the city commission and public feedback through written submissions and statements made through Zoom or in person. He took that all into account and produced an ordinance for the city commission's review and discussion this evening.

City Attorney Mora stated since the January 24, 2023, City Commission Work Session, there has been another development in the form of a legislative bill, SB 714, filed by Senator DiCeglie, that would change some of the landscape as it relates to short-term rentals. For example, if SB 714 were adopted, registration fees would be capped at \$50 for processing an individual registration application or \$100 for processing a collective

registration application. The statute explicitly contemplates the municipality's power to have a registration program and operate and condition it on various elements. SB 714 states that cities may adopt a local law, ordinance, or regulation that requires the registration of vacation rentals. A local law, ordinance, or regulation may not require a registration renewal more than once a year.

City Attorney Mora stated as a condition of registration; SB 714 sets forth a list of items that a municipality may only require of the owner or operator of a vacation rental.

City Attorney Mora stated that SB 714 also has some of the contexts for a license application.

City Attorney Mora stated in addition to independently regulating advertising platforms, it also has a provision for the Division of Business of Profession and Regulation to revoke or refuse to issue or renew licenses.

City Attorney Mora stated this legislation was filed on February 12 or 13, 2023. The legislative session does not start until Tuesday, February 21, 2023, when the committees are meeting. The 2023 Legislative Session runs from March 7 through May 5, 2023. There is plenty of time for this bill to be amended, adopted, rejected, denied in community, or any number of things. He advises the city commission to forge ahead to whether the city commission desires to move in policy direction, and if the city needs to adapt to the state of the law, the city will do that.

City Attorney Mora stated this is a work session and no formal decisions will be made this evening. He said once the city commission had an opportunity to deliberate and provide consensus directions, the work session would be opened to the public.

City Attorney Mora stated that a first and second reading would be scheduled after this work session.

The city commission reviewed Ordinance 2023-02 page by page.

#### ORDINANCE NO. 2023-02

AN ORDINANCE OF THE CITY OF INDIAN ROCKS BEACH, FLORIDA, ESTABLISHING A COMPREHENSIVE REGULATORY SCHEME REGARDING THE MARKETING AND OPERATION OF SHORT-TERM RENTALS WITHIN THE CITY; CREATING A NEW ARTICLE V, "VACATION RENTAL REGULATIONS," WITHIN CHAPTER 18 – "BUSINESSES"; ESTABLISHING A COMPREHENSIVE ORDINANCE REGULATING THE REGISTRATION, INSPECTION, SAFETY, AND OPERATION OF VACATION RENTALS WITHIN THE CITY OF INDIAN ROCKS BEACH; CREATING RELATED DEFINITIONS; MAKING RELATED FINDINGS; PROVIDING FOR CODIFICATION, SEVERABILITY, AND FOR AN EFFECTIVE DATE.

WHEREAS, prior to 2011, Florida's local governments freely regulated local land use issues and decisions under the Home Rule authority granted them by the Florida Constitution; and

WHEREAS, the 2011 Florida Legislature enacted House Bill 883 (Florida Chapter 2011-119, Laws of Florida) ("HB 883") which preempted the local regulation of a specific land use commonly called short term vacation rentals; and

WHEREAS, HB 883 prevented local communities from enacting new regulations necessary to address any consequential or negative impacts caused by short-term vacation rentals; and

WHEREAS, following the enactment of HB 883 the city of Indian Rocks Beach (the "city") adopted Ordinance 2011-03, modifying its ordinances concerning the regulation of short term vacation rentals; and

WHEREAS, a little more than a year later the city adopted Ordinance 2012-08, further amending its restrictions regarding short term vacation rentals; and

WHEREAS, the 2014 Florida Legislature enacted Senate Bill 356 (Florida Chapter 2014-71, Laws of Florida) ("SB 356") which rescinded HB 883's preemption on local regulation of short term vacation rentals, but provided that local laws, ordinances or regulations adopted after June 1, 2011, may not prohibit short term vacation rentals or regulate the duration or frequency of rental of vacation rentals; and

WHEREAS, SB 356 returned some local control back to municipalities to mitigate the effects of short term vacation rentals in an attempt to make them safer, more compatible with existing neighborhood regulations, and accountable for their proper operation; and

WHEREAS, SB 356 does not allow local governments to prohibit short term vacation rentals in any community or zoning district; and

WHEREAS, Florida Statutes § 509.013, provides a distinction between "transient public lodging establishments" which are rented, or advertised or held out for rental to guests more than three (3) times in a calendar year for periods of less than thirty (30) days or one (1) calendar month, whichever is less; and "nontransient public lodging establishments" which are rented, or advertised or held out for rental to guests for periods of at least thirty (30) days or one (1) calendar month, whichever is less; and

WHEREAS, Florida Statutes § 509.242(1)(c) further provides for a subset of transient public lodging establishments, called "vacation rental" which is 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; and

WHEREAS, single-family residential neighborhoods and their required infrastructure are generally designed to accommodate typical single-family residential homes with two (2) or (3) persons per household, on average; and

WHEREAS, local governments apply design standards tailored for their roads, driveways, emergency services planning, public shelters, solid waste collection, utilities, buffers, and are also tailored in assessing their infrastructure impacts; and

WHEREAS, short-term vacation rental occupants, due to the transient nature of their occupancy, are unfamiliar with local hurricane evacuation plans, the location of fire extinguishers, residence exit routes, pool and home safety features, and other similar safety measures that would ordinarily be provided to guests in traditional lodging establishments; and

WHEREAS, the occupants of short-term vacation rentals located within established neighborhoods can disturb the quiet enjoyment of the neighborhood; and

WHEREAS, traditional lodging establishments (hotels, motels and bed and breakfasts) are typically restricted to commercial and other non-residentially zoned areas where intensity of uses is separated from less busy and quieter residential uses; and

WHEREAS, many local jurisdictions in the state of Florida, and across the nation have standards in place to minimize the negative impacts caused by short-term vacation rentals; and

WHEREAS, the city commission finds that while the Florida Legislature has equated short-term “vacation” renting with traditional long-term occupation of a residence by families who live, work, recreate, and raise families in the community, the reality is that the practice of short-term “vacation” renting of residential homes situated next to and among homes occupied by families who live in those homes can and, though not universally, does create negative effects suffered by those families; and

WHEREAS, those negative effects engaged in by vacation renters include regular noise disturbances, vandalism, trespass, public urination, and failure to obey parking, solid waste, and litter rules; and

WHEREAS, residents living within their residential dwellings are inherently familiar with the local surroundings, local code restrictions, local weather disturbances, local hurricane evacuation plans, and means of egress from their residential dwellings, thereby minimizing potential risks to themselves and their families; and

WHEREAS, in contrast, transient occupants of vacation rentals, due to their transient nature, are typically not familiar with local surroundings, local code restrictions, local weather disturbances, local hurricane evacuation plans, and means of egress from the vacation rentals in which they are staying, thereby increasing potential risks to themselves and their families, and putting an additional burden on, and potentially putting at risk, emergency personnel in the event of an emergency situation; and

WHEREAS, the regulation of vacation rentals will contribute to the stability of the city's existing residential neighborhoods; and

WHEREAS, the regulation of vacation rentals will protect visitors to the city by assuring that fire and safety inspections are periodically conducted, that they receive necessary information about the dwelling which they have rented, and notifying them of the owner of the dwellings obligation to provide for their safety and welfare; and

WHEREAS, in September 2018, the city commission adopted Ordinance 2018-01, initially regulating aspects of the operation of short term vacation rentals; and

WHEREAS, after multiple public work sessions and upon significant public comment by various interested shareholders that reside in, own property, or visit the city, the city commission now desires to amend its code of ordinances to enhance its protection and preservation of the health, safety and welfare of all persons residing in and visiting the city; and

WHEREAS, it is not the intent of this ordinance, whether de facto or de jure, to prohibit vacation rentals, or to regulate the duration or frequency of rental of vacation rentals but rather it is the intent of this ordinance to regulate vacation rentals in a manner that ensures their safe and lawful operation; and

WHEREAS, the city commission finds that it is necessary to create a registration fee for short-term rental properties in the city which will be periodically established by the city commission, and which will be commensurate with the cost to the city of the regulatory activities required by this ordinance, to the extent permitted by law; and

WHEREAS, the regulation of vacation rentals is necessary to protect the public health, safety and welfare of the city, its residents and its visitors; and

WHEREAS, the city commission finds that it is therefore in the interest of the city and its citizens to adopt the regulatory provisions set forth in this ordinance.

NOW, THEREFORE BE IT ORDAINED by the City commission of the City of -Indian Rocks Beach, Florida, that:

There were no additions or deletes by the city commission.

## CHAPTER 18. BUSINESSES

### ARTICLE V. VACATION RENTAL REGULATIONS

#### DIVISION 1. GENERAL PROVISIONS

##### Sec. 18-200. Definitions.

The following terms as used in this article are defined as set forth hereinafter:

*Bedroom* means any room in a vacation rental which has a bed or other place for sleeping and a separate closet that is an integral part of the permanent construction within the bedroom or an ensuite bathroom, and which has been reflected as a bedroom on the construction plans approved by the city's building official, and which complies with the Florida Fire Code and Florida Life Safety Code as a bedroom, but shall not include a bathroom, garage, a kitchen, a dining room, a family room, a sunroom, a closet, a utility room, a laundry room, or any main living area. If a room has been added, altered, or converted without any required building permit having been granted, where applicable, such room shall not be deemed a bedroom. For purposes of this article, staff shall have discretion in the registration process to determine the number of bedrooms within traditional cottages that exist within the city, but may not have a built in closet owing to their historical design.

*City code* shall mean the city's codified code of ordinances including the zoning code, all uncodified ordinances, the city's comprehensive plan, and the future land use map.

*Code compliance magistrate* shall mean any person or persons designated to adjudicate alleged violations of the city's code of ordinances, pursuant to Fla. Stat. § 162.01 et seq. The terms code compliance board, code enforcement board, or magistrate are used interchangeably within this article.

*Living area.* The area under roof designated primarily for habitation and specifically excluding garages. As used in this article, the total living area shall be computed as follows: The exterior dimensions of all enclosed spaces within the framework of the building unit (length and width), multiplied and totaled, as follows:

- (1) Any room or area accessible from any other room or area within the framework shall constitute living area.
- (2) A room or area must be totally enclosed by walls and covered by roofing.
- (3) A room or area must be protected from the elements.

- (4) A utility room within the framework of the main building and accessible within the main living area constitutes living area.

Occupant means any person who occupies a vacation rental. There is a rebuttal presumption that, when the dwelling unit occupied is not the primary residence of the guest, the occupancy is transient.

Overnight means being present in the vacation rental at any time between the hours of 10 p.m. and 7 a.m.

Owner occupied means the vacation rental is then occupied by person(s), at the vacation rental owner's consent, who do not pay rent for the occupancy of the vacation rental, when such persons are also members of the family of the vacation rental owner. Family member shall mean spouses, former spouses, non-cohabitating partners, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who have a child in common regardless of whether they have been married or have resided together at any time. A property shall not be deemed owner-occupied where the owner of the property allows a friend, acquaintance, employee, or other person not considered a family member, as defined here, to occupy the property unaccompanied by a family member.

Peer-to-peer platform/entity shall mean any person, service, business, company, marketplace, or other entity that, for a fee or other consideration, provides property owners and responsible parties a platform or means to offer vacation rentals to transient occupants whether through the internet or other means.

Responsible person shall mean the owner, or a natural person 18 years of age or older designated by the owner of the vacation rental to be called upon to answer for the maintenance of the vacation rental and the conduct and acts of vacation occupants of residential properties. A corporation, partnership, or other legal entity cannot be a responsible person.

Transient public lodging establishments 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 (3) times in a calendar year for periods of less than thirty (30) days or one (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 shall mean a vacation rental as defined by Florida Statutes § 509.242(1)(c).

Vacation rental registration or "VRR" shall refer to the licensure or certification issued by the City of Indian Rocks Beach to a property owner authorizing the lawful operation of a transient public lodging establishment as a vacation rental within the City.

Vacation rental owner is the fee simple owner of the vacation rental, whether an individual, partnership, corporation, limited liability company, trust, or other entity. In the event the vacation rental owner is not an individual, the vacation rental owner shall designate a responsible natural person to perform the functions and duties of a vacation rental owner herein. The duties and functions of a vacation rental owner may, at the option of the vacation rental owner, be performed by an agent of the vacation rental owner, so long as the vacation rental owner notifies the city in writing, on a form provided by the city, of the identity and contact information of such agent, and the specific duties that the agent will be performing for the vacation rental owner. The vacation rental owner may change the designation of agent at any time through the filing of a new form and the payment of an administrative fee in an amount as set by resolution by the city commission. The vacation rental owner shall be held responsible for all actions of such designated agent with respect to the applicable vacation rental.

City Attorney Mora stated under the definition of a bedroom, a citizen pointed out that there are historic cottages, and some do not historically have closets. A closet is part of the definition of a bedroom. He stated the following language has been added to the definition of bedroom: "*For purposes of this article, staff shall have discretion in the registration process to determine the number of bedrooms within traditional cottages that exist within the City, but may not have a built-in closet owing to their historical design.*"

City Attorney Mora stated under the definition for owner-occupied, as a result of feedback from residents and the city commission, the following language was added: "A property shall not be deemed owner-occupied where the owner of the property allows a friend, acquaintance, employee, or other person not considered a family member, as defined here, to occupy the property unaccompanied by a family member."

**Sec. 18-201.**            **Scope.**

(a) This article shall apply to vacation rentals within each of the city's zoning districts. To the extent applicable within the city's CT zoning district, this provision shall not extend to the operation of any legally established and permitted timeshare properties or timeshare units subject to a timeshare instrument, as those terms are defined in Fla. Stat. § 721.05, in existence at the time of the adoption of this ordinance.

City Attorney Mora stated this code section applies to vacation rentals within each of the city's zoning districts. There is a narrow carve out for one property within the CT zoning district that is historically a timeshare property.

City Attorney Mora stated there was substantial feedback from the city commission and the public on which districts should or should not be incorporated into the scope of this ordinance.



City Manager Mims stated Ordinance 2018-01 only applies to properties on the east side of Gulf Boulevard north of 5th Avenue to 28th Avenue and applies to all structures used for short-term vacation rentals when operating within the single-family, medium-density, and medium-density residential districts. Ordinance 2018-01 does not apply to commercial properties fronting Gulf Boulevard on the east side of Gulf Boulevard.

City Manager Mims stated the proposed ordinance would include all properties in Indian Rocks Beach, i.e., both sides of Gulf Boulevard.

Mayor-Commissioner Kennedy stated when this issue was discussed during the January 24, 2023 City Commission Work Session, the city commission was very hesitant about including the west side of Gulf Boulevard in the proposed ordinance.

Mayor-Commissioner Kennedy stated she had received much feedback from residents about including the west side of Gulf Boulevard in the proposed ordinance. Her thought is that the best thing for this ordinance is to exclusively do the residential district, i.e., mirror Ordinance 2018-01.

Commissioner McCall asked how this would impact the condominiums that line the gulf since they have their own rules and condo boards.

City Attorney Mora stated to the extent that the condominiums have their condo association board, the city does not enforce those restrictions. That is for them to enforce, which is why they have condo association boards, i.e. They are responsible for administering any of their restricted covenants in their condo documents.

City Attorney Mora stated as far as how it applies to its present iteration, it applies in those districts. There is another narrow carve out in the current draft in the parking section where condominium buildings have assigned parking by unit arrangements must somehow alternate their parking arrangement to accommodate the requirements of this ordinance.

Commissioner Bond asked if the city commission removes the CT zoning district from this ordinance, would it allow the state to preempt the decisions of the condo association boards? If the CT zoning district is not included, the condo association board can make its own rules and regulations.

City Attorney Mora stated he does not know because that is not his client's identity.

Commissioner Bond stated that if the condo association rules and regulations prohibit short-term rentals, that is not allowed.

City Attorney Mora said if short-term rentals are restricted by a condo association, that is beyond the city's calculus. The city commission is here as the city, and the city is enforcing

its code of ordinances, charter, and comprehensive plan. But, restrictive covenants within its deeds are for the property owners and their associations to administer, not for the city.

Vice Mayor-Commissioner Houseberg stated she is the one who thought it would be a good idea to include the whole island and not separate the CT zoning district from the residential zones. She feels that most of the residents in the CT zoning district already operate by a set of rules because they are used to renting their places as short-term rentals, so their noise is under control, and their problem customers are under control. Her only concern is that the city is missing the opportunity for inspection.

City Manager Mims stated the only opportunity for the city to inspect a vacation rental is under Ordinance 2018-01. Since the November City Commission Meeting, he has directed the code enforcement officers to inspect all new short-term vacation rentals before issuing a business tax receipt. The city does not have any ability to inspect properties on the west side of Gulf Boulevard because they were not included in Ordinance 2018-01.

City Manager Mims stated the fire district intends to inspect all vacation rentals throughout the city. There is a difference between what the city and the fire district are trying to do.

Mayor-Commissioner Kennedy clarified that all short-term rentals are required to have a business tax receipt whether on the east or west side of Gulf Boulevard.

City Manager Mims responded affirmatively. He stated the staff is aware that there is a large number of vacation rentals on the west side of Gulf Boulevard that do not have business tax receipts. He said that issue would be addressed either way if the city commission includes or does not include the west side of Gulf Boulevard in the proposed ordinance.

City Manager Mims stated the staff has plans to address the lack of business tax receipts with the properties on the west side of Gulf Boulevard.

Commissioner McCall stated he was not a proponent of including the CT zoning district in the proposed ordinance. Without limitations, be it occupancy, the cottages, or everything the city has tried to save over the last ten years, it will be gone. The cottages are being taxed out of the world at the highest and best use, and their insurance is through the roof. The cottage owners will sell out at some point. Does the city want developers to come in as they have in other cities and construct ten bedrooms with ten bathrooms Airbnbs along the beach on a 50' X 100' lot?

City Attorney Mora advised that development permissions and requirements are separate and distinct from regulating the operation within that structure.

City Manager Mims stated particularly in the CT zoning district, a developer is only allowed to develop a certain number of units based on the size of the property. There is also a square footage requirement for each unit.

Commissioner McCall stated that one of his concerns regarding his original thought process with the CT zoning district is that it operates how it should. The CT zoning district has single-family homes, cottages, condos, and an array of different variations of structures. However, some "problem children" on the west side of Gulf Boulevard need to be dealt with from a compliance standpoint. He asked if the CT zoning district is not included in the proposed ordinance, does the city have the teeth to rectify those situations?

City Manager Mims asked what those situations were.

Commissioner McCall stated situations that deal with noise and trash. Some of the same items and issues that residents deal with on the east side of Gulf Boulevard in the neighborhoods.

City Manager Mims stated the city has the tools in the current ordinance to deal with those, and the staff does deal with those.

Mayor-Commissioner Kennedy asked if there was a consensus to delete the west side of Gulf Boulevard from the proposed ordinance.

Commissioner Hanna stated there are many single-family homes on the west side of Gulf Boulevard, and developers are coming in and building structures specifically to become Airbnbs. When the short-term law took effect, that the condo association boards excluded short-term rentals, which might have changed that. He does think it is important to call into this residential zoning if it is a single-family home in the CT zoning district, it should fall under these same guidelines. If not, he does not think the city does not have any power to affect them. If there was another cutout, maybe it specifies that unless a condo association covers them, would that simplify it?

Mayor-Commissioner Kennedy stated that would make it more difficult.

Commissioner Bond stated that a beach cottage was torn down and is being built into two separate condos. But there was a cottage on the beach, and now there are two significant buildings. Commissioner McCall's concern is reasonable, given that it is part of the town's fabric and nature that everybody loves. The city may not want to encourage short-term rental development on the beach side where the cottages are; that is something to consider. Maybe it is best to do less than more right now.

City Attorney Mora stated he wanted to make it clear for those who could not hear, the discussed issue is the scope to where the proposed ordinance will apply. There seems to be a general direction toward excising the CT zoning district, the business district triangle,

the business district, and the PUD (Holiday Inn Harbourside) from that scope. He stated the proposed ordinance would only apply to residential neighborhoods.

Vice Mayor-Commissioner Houseberg asked if the vacation rentals on the west side of Gulf Boulevard would only pay \$10 for a business tax receipt.

City Attorney Mora stated those vacation rentals would only pay a business tax receipt of \$10 because they would not be subjected to the vacation rental registration process as contemplated in the proposed ordinance.

***THE CONSENSUS OF THE CITY COMMISSION WAS TO EXCISE THE CT ZONING DISTRICT, THE BUSINESS DISTRICT TRIANGLE, THE BUSINESS DISTRICT, AND THE PUD (HOLIDAY INN HARBOURSIDE) FROM SECTION 18-201, SCOPE.***

**Sec. 18-202. Enforcement.**

- (a) **Generally.** Unless specified otherwise in this article, violations of this article shall be enforced in the manner set forth in Chapter 1, Section 1-14 of the code, and shall include, in addition to the imposition of daily fines, the suspension or revocation of the vacation rental's ability to operate under the conditions set forth in this article.
- (b) **Fines.** The magistrate's decision whether to impose a fine and the amount of the fine shall remain subject to the provisions, considerations, and limitations set forth in Fla. Stat. 162.09, as well as the following factors:
- (1) the gravity of the violation;
  - (2) any action(s) taken by the violator or property owner to correct the violation;
  - (3) any previous violations committed by the violator;
  - (4) the property owner or designated responsible party's efforts to resolve or avoid the violation;
  - (5) the temporal duration of the violation;
  - (6) whether the violation was a function of the property owner's action or inaction, or those of their transient guests;
  - (7) any evidence of the property owner's adjudication or admission to violations of a similar nature in the city;
  - (8) any evidence of deliberate misrepresentation by the owner(s) to the city or its agents in connection with the violation; and
  - (9) any documentation from an online rental platform of any warning, rebuke, censure, suspension, penalty, or prohibition of the property owner or owners' use of its of platform for the purpose of offering properties as transient public lodging establishments as a violation of the platform's policies, procedures, or terms of service.

- (c) **Rental Registration Suspension.** Upon a third adjudicated or admitted violation of the city's code of ordinances within a twelve (12) month period at the same rental unit or property, the Magistrate shall have the discretion to temporarily suspend the property owner or owners' vacation rental registration for the property or unit at issue. The Magistrate's decision whether to suspend a vacation rental registration and for what duration shall remain subject to consideration of the same factors evaluated when determining the imposition of the initial fine.

Nothing in this provision shall be construed to permit for the suspension of a registration based on mere complaint or, alleged and disputed or unadjudicated violations of the city's code of ordinances. The Magistrate's decision whether to suspend a vacation rental registration and for what duration shall be subject to the same considerations for the imposition of a fine as set forth in this article.

Upon the expiration of a suspension period imposed by the magistrate, the city manager or his/her designee shall reinstate the property or unit's vacation rental registration. A suspended vacation rental registration shall not, however, be reinstated while any fine imposed as against property owner as a result of an admitted or adjudicated determination of a violation of the city's code of ordinances at the subject property for which reinstatement is sought remains due and owing.

- (d) **Rental Registration Revocation.** Upon a third imposed and legally sustained suspension within a three (3) year period, the magistrate shall have the discretion to revoke a property owner or owners' vacation rental registration for the property or unit at issue. The magistrate's decision of whether to revoke a rental registration for a property shall be subject to the same considerations for the imposition of a fine and suspension of a vacation rental registration.

Any revoked vacation rental registration for a specific unit or property shall not be re-issued for the same unit or property to the property owner(s) who had his/her/its registration revoked, or to any entity in which he/she/it has any financial or ownership interest.

- (e) **Reservation of Rights.** Nothing herein shall prevent the city from seeking all other available remedies which may include, but shall not be limited to, suspension or revocation of a vacation rental registration upon adequate due process, injunctive relief, liens and other civil and criminal penalties as provided by law as well as referral to other enforcing agencies.

City Attorney Mora stated there was a general consensus direction that fines as contemplated in Chapter 162 of the Florida Statutes, as well as potential suspension and revocation. He has codified that general understanding, but he has couched it in this draft

much in the same way that most code ordinances operate, which is the city will have a quasi-judicial hearing before a special magistrate.

City Attorney Mora stated the city had received RFP responses for a special magistrate, and staff is working toward that stage. Once the city hires a special magistrate, the better practice than feathering them to a very specific penalty every single time is to allow discretion based on enumerated criteria. The city has enumerated criteria in Code Section 18-202, Enforcement.

City Attorney Mora specifically read into the record Code Section 18-202(c): "Nothing in this provision shall be construed to permit for the suspension of a registration based on a mere complaint or alleged and disputed or unadjudicated violations of the city's code of ordinances. The Magistrate's decision whether to suspend a vacation rental registration and for what duration shall be subject to the same considerations for the imposition of a fine as set forth in this article."

City Attorney Mora stated so, making it clear that just because somebody calls a violation in does not count toward that tally. The violation has to be either admitted in the form of clear admission, a disputed paid violation, or a magistrate adjudicating a disputed violation, and it is upheld.

**Sec. 18-203.**            **Appeals.**

An aggrieved party, including the local governing body, may appeal a final administrative order of the magistrate to the circuit court, in the manner set forth in Fla. Stat. § 162.11. Any such appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the magistrate. An appeal shall be filed within 30 days of the execution of the order to be appealed.

**DIVISION 2.**  
**VACATION RENTAL REGISTRATION, RESPONSIBLE PERSONS,**  
**AND ADVERTISEMENTS**

**Sec. 18-204.**            **Registration required.**

As of [June 1, 2023], a vacation rental registration shall be required to operate a vacation rental within the city, utilizing forms promulgated by the city. The city manager may extend the date that such registration is required by notice on the city's website should the city not publish forms and fees for registration by [May 15, 2023].

Prior to the issuance of a vacation rental registration, the owner or primary responsible person has the affirmative duty to ensure that the dwelling unit and property in or on which the vacation rental is or will be located, is in full compliance with the city

code, Florida Statutes Chapter 509, the Florida Building Code, the Florida Administrative Code, and the Florida Fire Prevention Code. A separate vacation rental registration shall be required for each vacation rental unit. The operation of a vacation rental without registration after the date registration is required shall be a violation of this article, except in the instance of providing accommodations to fulfill a rental contract existing as of the effective date of this ordinance.

**Sec. 18-205. Vacation Rental Registration Fee.**

All fees to be charged under the provisions of this article shall be set forth in a resolution to be adopted by the city commission. There shall be no differentiation in the fee required for an initial rental registration, renewed rental registration, or transferred rental registration. The commission may require a reduced rental registration fee for a change of ownership or amended rental registration as set forth in 18-207(a).

City Attorney Mora stated this was a substantive change from the last draft. There is not an explicit number in the vacation rental registration fee. Generally, speaking and keeping an eye on the way that the Florida Legislature continues to preempt or otherwise regulate registration fees, not just for short-term rentals, but otherwise, the city's better bet is to have its fees in a resolution separate from an ordinance. A resolution does not require two readings and a legal advertisement like an ordinance.

City Attorney Mora stated the city commission during the January 24, 2023 City Commission Work Session, by consensus, established the vacation rental registration fee at \$400 annually.

Commissioner Bond asked if the \$400 fee would be applied to each unit if it was a multi-unit complex.

City Attorney Mora stated the question was in a multi-unit where multiple units are being registered. Is that \$400 per unit or per building? He noted this issue warrants being addressed explicitly in the resolution as contemplated, it would be per unit or per structure.

City Attorney Mora stated in the current draft of SB 714, registration fees would be capped at \$50 for processing an individual registration application or \$100 for processing a collective registration application.

***THE CONSENSUS OF THE CITY COMMISSION WAS TO ESTABLISH A \$400 VACATION RENTAL REGISTRATION FEE FOR PROCESSING EACH VACATION RENTAL UNIT. UNITS ARE TO BE PROCESSED SEPARATELY. FEE SCHEDULE IS TO BE DONE BY RESOLUTION.***

**Sec. 18-206. Vacation Rental Registration Process and Contents.**

- (a) **Rental Registration Application Required.** A vacation rental registration application must be filed and signed by the vacation rental owner. An owner may apply through an agent, but in such case, the owner must execute a separate affidavit attesting that the agent is authorized by the owner to complete and submit the application on the owner's behalf. Such affidavit must be submitted along with the application. In the event a rental registration is submitted by a corporate entity, the application must identify each shareholder in the corporate entity.
- (b) **Rental Registration Submission.** A registration application must be submitted using the forms promulgated by the city for such purpose. Application forms shall be submitted to the city employee or official designated by the city manager for processing. All applicable registration and inspection fees established by the city shall be submitted at the same time as the application form.
- (c) **Rental Registration Contents.** A registration application shall, at a minimum, include the following:
- (1) Address of the vacation rental property being registered, including any corresponding unit number, along with proof of ownership, which may be in the form of a deed or copy of the property appraiser's website information on the property;
  - (2) Name, address, phone number, and e-mail of the property owner and the date upon which the owner took title to the property. No rental registration shall issue to a lessee, tenant, sub-lessee or sub-tenant of a property;
  - (3) Name, address, e-mail, and emergency contact phone number of the primary responsible person(s), and any secondary or tertiary contact for the vacation rental. At least one of the designated responsible person(s) shall be available at all times at the contact numbers provided in the rental registration submissions;
  - (4) The vacation rental's current and active license or registration number as a transient public lodging establishment with the Florida Department of Business and Professional Regulation (DBPR);
  - (5) A copy of the vacation rental's current and active certificate of registration with the Florida Department of Revenue and Pinellas County for sales and tourist development tax collection, respectively, if the registrant has such certificates or accounts; unless a peer-to-peer platform entity through which the vacation rental is booked will be remitting all such taxes associated with the vacation rental on the responsible person's behalf;



- (6) Business tax receipt from the city, in accordance with chapter 58 of the city code;
- (7) Statement attesting to the number of bedrooms, as defined in this article, and identifying the number and location of parking spaces available on the property, with affirmation that the parking plan submitted by the owner will be followed by the owner's guests;
- (8) Exterior site plan. An exterior plan of the vacation rental property drawn to scale, identifying the structures and dimensions of those portions of the property outside of the primary residential structure. The submitted plan shall include the name and phone number of the person who prepared the drawing. The plan shall depict and identify the outer boundaries of the property, and all structures, docks, sheds, outdoor kitchens, paved parking areas, pools, spas, hot tubs, and fencing;
- (9) Interior structural plan by floor. An interior structural plan of the vacation rental structure by floor, drawn to scale, shall be provided. The submitted plan shall include the name and phone number of the person who prepared the drawing. The interior structural plan shall depict a floor layout identifying all spaces on each floor, and shall label each space as a bedroom (as defined in this article) bathroom, kitchen, office, den, dining room, family room, sunroom, closet, utility room, laundry room, hallway, stairway, or any other spatial element of the structure;
- (10) Acknowledgement signed by each owner, or owner's authorized agent, acknowledging and agreeing to initial and ongoing compliance with this article and all other city codes and federal, including FEMA requirements, as well as state and county laws which are applicable to the owner's ownership, maintenance, repair, modification, and use of the vacation rental property;
- (11) A listing of the occupancy limit established by this article, calculated in the manner set forth in this article, and an acknowledgement that the owner will ensure compliance with the occupancy limit;
- (12) A narrative parking plan, and outlining where vehicles will be parked and how guests will be made aware of the parking rules, including the prohibition against guests parking on the street or adjacent right of way;
- (13) A copy of any conduct rules adopted by the owner which will apply to the conduct of the owner's guests, and a narrative statement setting forth how the owner will ensure each guest are provided a copy of, and made to acknowledge, these rules; and

- (14) A narrative statement setting forth how the owner will ensure each guest is provided a copy of, and made to acknowledge, the city rules which must be disclosed to each guest, including the city's rules related to solid waste storage, setting out solid waste on correct collection days, the noise restrictions associated with the vacation rental's use, the parking restrictions, and the quiet hour rules, all as are set forth in this article and as otherwise set forth in the code.
- (d) **Complete Submission Required.** Forms must be fully completed. Incomplete applications will not be processed.
- (1) The city's administrative employees do not have the discretion to deny a registration application which is found to be complete, and which is found to satisfy the requirements of this article. If a registration application is found by a city employee or official to be incomplete, or that the information submitted does not satisfy a requirement of this article, the city employee or official will notify the applicant in writing setting forth the deficiencies to be addressed. The applicant will then be allowed fifteen (15) days to provide any missing information or to otherwise revise the application to make it compliant with this article.
- (2) If an applicant disagrees with a determination of the city employee or official as to the completeness of an application, or an application's compliance with this article, the applicant may, within fifteen (15) days of the date of the employee or official's determination, file a written appeal to the Magistrate, submitted via contemporaneous e-mail and certified mail submissions to the direct attention of the city manager and city clerk. The appeal must set forth the specific factual and legal reasons supporting the applicant's appeal. Any such hearing shall be noticed and convened within 21 days of the date of the appeal being noticed to the city manager and city clerk.
- (3) A completed vacation rental registration shall not be approved until the subject property or unit has completed and passed the inspection process set forth in this article.

City Attorney Mora stated SB 714 outlines what can and cannot be in a vacation rental registration application. If there is a deviation, the ordinance must be harmonized should SB 714 be adopted.

City Attorney Mora stated SB 714 provides an automatic approval period if something is not approved within 15 days. The registration is deemed approved if no action has been taken on it. If adopted, the ordinance would need to be harmonized with SB 714.

Commissioner McCall stated the way the city's registration process works, the owner provides the deed and other paperwork to get to the inspection, which can make or break

a house. He would like the city to have the opportunity to inspect the property for a prospective buyer to ensure it is compliant.

Commissioner Bond stated buyers should get an inspection before they purchase a house and ask at that time if it is compliant as a vacation rental property.

**Sec. 18-207. Modification/change of ownership of vacation rental registration.**

**(a) Amended Registration.** An amendment of a vacation rental registration application and affidavit of compliance shall be required, with payment of the appropriate fee, in the event that any of the following changes to the vacation rental are proposed:

- (1) An amendment to the owner's safety or parking plans; or
- (2) A change in the designated responsible person(s).

Such amendments will be approved by the city upon a finding by the city employee or official, as designated by the city manager, that the changed plans, rules or designation otherwise continue to comply with the requirements of this article.

**(b) Ownership Transfers Requiring Registration.** A change of ownership, including transfers between legal entities under common control, shall require a new application, and shall be accompanied by the applicable application fee.

Commissioner Bond stated that if there are upgrades to the property, does the city reinspect the property for compliance?

City Attorney Mora stated, as written, no amended registration is required. He said the building department inspects all permitted work as part of the permitting process.

City Attorney Mora stated if a unit is added to the property, the city may wish to get the occupancy that might flow from that unit, and it would need to be inspected and approved in that regard; otherwise, it would not be compliant.

**Sec. 18-208. Duration of vacation rental registration.**

A vacation rental registration shall be valid for one (1) year from the date the application is approved. An approved registration shall constitute permission to operate the vacation rental for which the registration is required.

**Sec. 18-209. Renewal of vacation rental registration.**

Each vacation rental owner has a duty to ensure he/she/it renews his/her/its registration annually prior to the expiration date of the previous vacation rental registration. Each renewal shall render the rented property or unit subject to an annual inspection and applicable fees.

**Sec. 18-210. Inspection of vacation rentals.**

(a) **Inspection Required.** To verify compliance with the Florida Building, Fire, and Life Safety Codes applicable to the vacation rental property, and to verify the interior and exterior plans submitted with the application accurately depict the conditions on and in the property, and to ensure all required safety equipment such as fire extinguisher and required postings are properly installed, and to verify the guest conduct information is properly displayed, each vacation rental shall, in conjunction with its initial or annual renewal application, be inspected by the city's code inspector, a representative of fire district servicing the city and, to the extent necessary, the city's building official or designated agent thereof.

The city will endeavor to coordinate an inspection date with the owner and complete the inspection process prior to the expiration of an existing registration period. However, only as to renewing applicants, if the availability of a required inspecting official causes a delay in that process, the city manager is authorized to allow the vacation rental to continue operating on an interim basis for up to thirty (30) days. Newly-registering vacation rentals may not begin operating until the application process, including the associated inspection, is completed.

(b) **Code Compliance Violations.** If instances of noncompliance are discovered during or as a result of an inspection, all such instances of noncompliance shall be handled either as violations of the Florida Building, or Fire, or Life Safety Codes are otherwise handled by the city and its officials under state law and city code, including but not limited to referral to the Magistrate, Local Ordinance Violation Court, and any investigative, administrative, or enforcement agency with legal jurisdiction over the subject violation.

(c) **Frequency of Inspections.** Initial and annual inspections required under this section shall be made by the city's code inspectors and, a representative of fire district servicing the city through coordinating an appointment with the vacation rental owner or the owner's authorized agent or responsible person. If an inspection date is set but the required officials are, due to an action or inaction of the owner, the responsible person, or occupant, denied or otherwise unable to make entry onto the property to conduct the inspection on the date set, the owner must re-apply for an inspection and pay an additional inspection fee. Any applicable re-inspection fee shall be paid prior to scheduling the re-inspection. Failure of a vacation rental owner agent, or responsible person, as applicable, to make the vacation rental available

for an inspection within twenty (20) days after notification by the city in writing that the city is ready to conduct the annual inspection shall constitute a violation of this article. Such violation shall continue until the inspection is accomplished.

Fire Chief Davidson stated Fire and Life Safety Codes should be changed to "Latest Adopted Edition of the Florida Fire Prevention Code" throughout the draft.

***THE CONSENSUS OF THE CITY COMMISSION WAS TO CHANGE THE FIRE AND LIFE SAFETY CODE THROUGHOUT THE DRAFT TO THE "LATEST ADOPTED EDITION OF THE FLORIDA FIRE PREVENTION CODE."***

Fire Chief Davidson requested that the fire district's life safety code inspections are specifically called out as part of the inspections.

***THE CONSENSUS OF THE CITY COMMISSION WAS TO SPECIFICALLY ADD THE FIRE DISTRICT'S LIFE SAFETY CODE INSPECTIONS AS PART OF THE INSPECTIONS.***

**Sec. 18-211. Sale of vacation rental property.**

When title to a registered vacation rental is transferred due to sale or otherwise, the new owner shall file a new registration application within thirty (30) days from the date title changes to the new owner. A new owner may not continue to operate a currently-registered vacation rental if an application is not filed within the thirty (30) day period and any existing approved registration will expire on the thirty-first day from the date title changes.

**Sec. 18-212. Vested rights; waiver; estoppel.**

Approval of a vacation rental registration shall not be construed to establish any vested rights or entitle the registered vacation rental to any rights under the theory of estoppel, nor shall it be construed as a waiver of any other requirements contained in the city code. It is not an approval of any other code requirement outside this article. The registration of a vacation rental is not an approval of a use or activity that would otherwise be illegal under state law or the Florida Building, Fire, or Life Safety Codes, or a violation of the code. In the event the city regains, either through judicial or legislative action, the authority to prohibit vacation rentals, or regulate their duration or frequency throughout the city or in specified zoning districts, the city reserves the right to terminate all vacation rental registrations. In that event, the city will coordinate with registered owners to develop an orderly cessation of operations.

**Sec. 18-213. False information.**

It shall be unlawful for any person to give any false or misleading information in connection with any application for registration, modification, or renewal of a vacation rental as required by this article. Vacation rental applications shall be sworn to under penalty of perjury. Any false statements made in an application shall be a basis for the suspension or revocation of any permit, registration, or license issued pursuant to such application, in addition to the prosecution of any related code enforcement violations.

**Sec. 18-214. Advertising.**

(a) **No Advertising Gatherings.** No vacation rental may be advertised as an event venue for gatherings likely or intended to draw attendance in excess of the permissible occupancy and parking restrictions on the property such as weddings, corporate retreats, or film productions.

(b) **Consistency with Rental Registration.** Any advertising of the vacation rental shall conform to the information submitted with the application for registration of the vacation rental and to the information shown on the vacation rental registration for the vacation rental, specifically including, but not limited to the maximum occupancy, available parking, and display the City of Indian Rocks Beach Vacation Rental Registration number, and shall include the following statement:

*"You are vacationing in a residential area. Please be a good neighbor by keeping the noise to a respectful level during the day and night. Excessive and unreasonable noise can deprive neighbors of the peaceful enjoyment of their private property."*

(c) **Advertising Violations.** Advertisements that do not contain this information or that contain inaccurate information shall be deemed a violation of this section and subject to the penalties contained in section 18-202. The vacation rental registration number issued by the city shall be included on all advertising, including, but not limited to print and internet-based advertising. For advertisements published in newspapers, the owner or manager of the vacation rental unit may use an abbreviated version of the required advertising information provided that the newspaper ad refers readers to a website and posted notices in the vacation rental unit for a more detailed version of rules and regulations of booking a vacation rental unit.

City Attorney Mora stated there was some feedback on advertising. He wanted to ensure that the city commission was clear on what this section says. *"No vacation rental may be advertised as an event venue for gatherings likely or intended to draw attendance over the permissible occupancy and parking restrictions on the property such as weddings, corporate retreats, or film productions."*

City Attorney Mora stated the city does require a temporary use permit when there is a gathering above 50 persons below that, but not necessarily. He said there was some concern in citizen feedback that, as written, property owners are subject to all the same provisions as any other residential property, so that would be the same applicable provision.

**Sec. 18-215. Duties of vacation rental owner and responsible person.**

**(a) Responsible Person.** If a vacation rental owner does not directly manage the registered vacation rental property it owns, the owner shall designate a responsible person.

(1) Number. A rental unit or property shall have no more than two (2) designated responsible persons for each rentable unit. One person must be identified as the primary designated responsible person, who shall serve as the principal contact. Any other person designated as a responsible property shall be considered a secondary contact, who will be contacted in the absence or unavailability of the primary designated responsible person.

(2) Availability of Designated Responsible Person. The responsible person(s) shall be available twenty-four (24) hours per day, seven (7) days a week, including holidays, for the purpose of promptly responding to complaints regarding conduct or behavior of vacation rental occupants or alleged violations of these regulations, as well as communications from the sheriff's department, fire department, other emergency personnel, or by any other regulatory personnel of the city. This person must have authority to immediately address and take affirmative action, within one (1) hour of notice from the city or other relevant governmental agency, on violations concerning life-safety, noise, violent confrontations, trespassing, capacity limit violations, and parking violations. A record shall be kept by the city of the complaint and the responsible person's response.

A rebuttable presumption of a violation of this article shall be established as against the owner and the primary designated responsible person, jointly and severally, in the event of an event or complaint where the city or its designated agents are unable to reach or secure a response from the owner and any of the designated responsible person(s) within the time period set forth in this section. An alleged violation can be rebutted by evidence of unanticipated exigency, an act of god, or other exceptional circumstances justifying the unavailability of each identified responsible person notwithstanding measures taken to ensure compliance.

It shall be the sole responsibility of the property owner to appoint reliable responsible person(s) and to inform the city of his or her correct mailing address. Failure to do so shall not be a defense to a violation of this section.

- (3) **Service.** Service of notice on the responsible person shall be deemed service of notice on the property owner, guest, occupant and violator.

City Attorney Mora stated one of the more repeated points of feedback in public comment and to some extent from the city commission was the number of designated responsible persons and the practical limitations available, so this section contemplates that. Instead of having up to one, the property owner can have up to two responsible persons in addition to the property owner and their availability and the response time to be responsive within an hour of notice. It is a rebuttal presumption of a violation against the owner and the primary designated responsible person jointly and severally in the event of a complaint or event where the city is unable to reach or search or secure a response from the owner and any of the designated responsible person(s) within the set time period.

City Attorney Mora stated there is a rebuttable presumption of the violation clause. An alleged violation can be rebutted by evidence of anticipated necessity, an act of God, or other exceptional circumstances justifying the unavailability of each identified responsible person, notwithstanding measures taken to ensure compliance.

- (c) **Interior Posting.** The owner or responsible person shall provide the city, and conspicuously post on the interior surface of the front door of the premises or on a wall within five feet of the front door, the name, address, and day/evening telephone numbers of the responsible person and be available twenty-four (24) hours per day, seven (7) days a week for the purpose of promptly responding to complaints regarding conduct or behavior of vacation rental occupants or alleged violations of these regulations. Any change in the responsible person shall require written notification to the city on forms provided by the city and in a manner promulgated by the city upon payment of the applicable fees.
- (d) **Response Time.** Complaints to the responsible person concerning violations by occupants of vacation rental units to this section shall be responded to within a reasonable time but in no instance greater than one (1) hour. A record shall be kept of the complaint and the manager's response, by the manager, for a period of at least two (2) years after the incident, a copy of which shall be made available to the city upon request.
- (e) **Redesignation.** An owner may change his or her designated responsible person(s). To change the designated agent or responsible person, the owner shall notify the city in writing of the name, contact information and other information required in this article for the new responsible person, along with a signed affidavit from the new



responsible person acknowledging receipt of a copy of this article and agreeing to serve in this capacity and perform the duties set forth in this article. Any notice of violation or legal process which has been delivered or served upon the previous responsible person, prior to the city's receipt of notice of change of the responsible person, shall be deemed effective service.

- (f) **Legal Duties.** No property owner shall designate as a responsible person any person who does not expressly comply with the provisions of this article. The property owner and the responsible person shall jointly and severally be deemed to be the "violator" of this article as the term is used in Florida Statutes § 162.06. By designating a responsible person, a vacation rental owner is deemed to agree that service of notice on the responsible person at the address listed by the owner shall be deemed service of notice on the owner, responsible person, and violating guest. Copies of all code violation notices shall also be provided to the property owner in the manner set forth in Florida Statutes § 162.12. If, alternatively, a citation is issued by the code enforcement officer or deputy, the citation process set forth in Florida Statutes § 162.21.

### **DIVISION 3.** **STANDARDS AND REQUIREMENTS FOR VACATION RENTALS**

#### **Sec. 18-216. Maximum occupancy based on site capacity/limitations.**

(a) **Generally.** The maximum overnight occupancy of a vacation rental unit shall be stated in the vacation rental registration form, and shall be limited as follows:

- (1) In the CT zoning district, the maximum overnight occupancy shall be limited to two (2) persons per bedroom, plus two (2) additional persons may sleep in a common area. Regardless of the number of bedrooms in or on the property, the overnight occupancy shall not exceed a maximum number of twelve (12) overnight occupants.

City Attorney Mora stated that the CT zoning district will be removed from the entire draft as it was the consensus not to include the CT zoning district as part of the draft.

- (2) In all other zoning districts within the City, and any PUD development, the maximum overnight occupancy shall be limited to two (2) persons per bedroom, plus two (2) additional persons may sleep in a common area. Regardless of the number of bedrooms in or on the property, the overnight occupancy shall not exceed a maximum number of ten (10) overnight occupants.

City Attorney Mora stated regardless of the vacation rentals' number of bedrooms, the maximum occupancy could not exceed ten overnight occupants.

Commissioner Bond stated he is not wild about the maximum occupancy of ten. He said to cap a six-bedroom house at ten is counterintuitive. He noted that the maximum occupancy should not be limited if the city permitted an eight-bedroom place.

City Attorney Mora stated maximum occupancy capacities only apply to vacation rentals, not single-family homes.

**(b) Vesting.**

- (1) Notwithstanding the above, a vacation rental that was lawfully used as a vacation rental prior to the effective date of this ordinance, may have a higher maximum occupancy limitation in accordance with this subsection (b). As to the application of the maximum occupancy limitation of subsection (a) to vacation rentals lawfully in existence as of [prior to the effective date], it is acknowledged that there are vacation rentals that could qualify for a higher maximum occupancy limit, if the limit were set higher, based on the number of bedrooms in the vacation rental. In an effort to recognize reasonable investment backed expectations and yet balance and protect the interests of residents in surrounding single family homes which are not vacation rental properties, there shall be a phasing in of maximum occupancy in accordance with the schedule below. No special vesting process or fee shall be required to obtain this vesting benefit other than demonstrating eligibility through the previously-existing certificate of registration process.
- (2) The maximum occupancy for vacation rentals lawfully in existence on [prior to the effective date] shall temporarily be capped at no more than 14 occupants in the CT zoning district and 12 occupants in all other zoning districts, provided that all the requirements to obtain a vacation rental registration in accordance with this article are satisfied and a certificate of registration is issued. This maximum occupancy limit shall remain in effect for one calendar year beginning on the effective date of this section's adoption.
- (3) After the one-year period contemplated in section (b)(2), above, the maximum overnight occupancy for vacation rentals lawfully in existence on [prior to effective date] shall automatically be reduced to the established restricted number in subsection (a), provided that all requirements to obtain a vacation rental registration in accordance with this code are satisfied and a certificate of registration is issued.

(4) The maximum occupancy limitations set forth in section (b)(2) above immediately be deemed as ceasing to apply upon the event the vacation rental is sold or title to the vacation rental is otherwise transferred in a manner divesting any of the vested property owners of their ownership interest in the subject property or unit.

(c) **Owner-Occupied Exception.** The maximum occupancy restrictions set forth in this section shall not apply when the property is owner-occupied by the vacation rental owner, if the identified legal owner of the property is a natural person and not a trust or corporate entity. This exception shall be deemed to apply upon submission and acceptance of an affidavit in th form set forth in this article.

City Attorney Mora stated during the January 24, 2023 City Commission Work Session that the city commission's consensus was that it was unnecessary to have an owner-occupied exception. However, when the city commission discussed the affidavit to substantiate that, there was a revisiting of that notation and an agreement to maintain an owner-occupied exception. So, the owner-occupied exception was placed back into the draft.

**Sec. 18-217. Minimum safety and operational requirements and limitations.**

(a) **Safety Codes Apply.** Each vacation rental shall comply with all requirements and standards under state law, including the Florida Building Code, the Florida Administrative Code, the Florida Swimming Pool Safety Act, and the Florida Fire Code and Life Safety Code.

Fire Chief Davidson stated the Florida Fire Code and Life Safety Code should read "The Latest Adopted Edition of the Florida Fire Prevention Code" throughout the draft.

**THE CONSENSUS OF THE CITY COMMISSION WAS TO CHANGE FLORIDA FIRE CODE AND LIFE SAFETY CODE TO THE LATEST ADOPTED EDITION OF THE FLORIDA FIRE PREVENTION CODE THROUGHOUT THE DRAFT.**

(b) **Quiet Hours Limitations:**

The following restrictions shall apply when a property or unit is in use as a vacation rental:

(1) **Occupant Access Limitation.** No persons other than the occupants who have rented the property from the owner may remain in or on the property between the quiet time hours of 10 p.m. and 7 a.m.

- (2) **Outdoor Amenities.** No pool, spa, jacuzzi, or outdoor sport courts on the property of a vacation rental may be used by any guest or occupant between the quiet time hours of 10 p.m. and 7 a.m.
- (3) **Amplified Sound Restrictions.** Using or operating for any purpose any amplified sound between the hours of 10:00 p.m. and 7:00 a.m. of any day, not in a completely enclosed permanent structure is prohibited if it produces or reproduces sound in such a manner as to annoy, disturb, injure, or endanger the comfort, repose, health, peace, or safety of a reasonable person of normal sensibilities or is in excess of the decibel levels set forth in section 26-36. This provision shall not apply to amplified sound for which a permit pursuant to subsection 26-33(b) has been issued by the city.

Mayor-Commissioner Kennedy asked Captain Leiner if he saw any limitations or enforcement issues on the quiet hours.

Captain Leiner stated he would seek clarification from the city on those code sections. He clarified that occupant access limitations, outdoor amenities, and amplified sound restrictions only apply to vacation rentals.

City Attorney Mora stated those code sections are only for vacation rentals. A vacation rental is defined for the purpose of this ordinance and statute as at least three rentals of less than 30 days in a year. For example, if the homeowner is a snowbird and is gone in the summer months and rents their property from May to August, in that interval, but the homeowner is living there in September, October, and November, that provision as written does not apply during that time—however, the amplified sound restriction co-existence with the language appearing in the city's noise code.

Captain Leiner stated he was trying to clarify what the city commission wanted. With something of this magnitude, he would report this back and see operationally how the sheriff's office would handle this. He is here this evening to ensure the sheriff's office understands what the city commission wants. He stated something of this magnitude, he would not be the person deciding on this issue.

City Attorney Mora stated without making any words in either Captain Leiner's or the Sheriff's mouths, he would say, from a practical standpoint, the city commission would likely see enforcement of these provisions aligning more with noise and sound, then deputies acting like hotel concierges telling people to go inside.

City Attorney Mora stated that if there is impractical language in the draft for staff to administer, it should be removed because it puts the city manager, the code enforcement officers, and the deputies in a challenging position.

Commissioner Bond stated he understands there is much concern about late-night pool and Jacuzzi noise and asked if that could be resolved with the current noise ordinance.

City Attorney Mora responded affirmatively. He said the noise ordinance still has the loud and raucous standard, amplified music, decimal readings, etc.

Captain Leiner stated there is a difference between kids in the pool at 5:00 p.m. versus kids in the pool at midnight.

Captain Leiner stated the sheriff's office is doing sound meter training that removes subjectivity.

Commissioner McCall stated he knows what the city is trying to accomplish, but is it practical? It is an enforcement provision that is going to be a struggle.

Vice Mayor-Commissioner Houseberg stated she does not want to have pool police. She said that it seems like this will be impossible to enforce and seems fruitless. She suggested that the vacation renters just maintain the quiet hours.

Commissioner Hanna stated he would like to maintain the quiet hours but strike the part about no pools or spas since the city has a noise ordinance.

Commissioner Bond stated he is not too keen on the occupant access limitation provision either because dinner parties often go past 10:00 p.m.

City Attorney Mora stated if the city commission is talking about the practicality of it, again not speaking for the sheriff's office, but understanding having worked with them, they are not going to be in a great position to determine who is an occupant and who is not.

Commissioner Bond stated that if the noise ordinance already covers these items, he does not see the need to over-complicate the issue.

***THE CONSENSUS OF THE CITY COMMISSION WAS TO DELETE THE FOLLOWING SUBSECTIONS:***

***(b) Quiet Hours Limitations:***

***The following restrictions shall apply when a property or unit is in use as a vacation rental:***

***~~(1) Occupant Access Limitation. No persons other than the occupants who have rented the property from the owner may remain in or on the property between the quiet time hours of 10 p.m. and 7 a.m.~~***

- ~~(2) **Outdoor Amenities.** No pool, spa, jacuzzi, or outdoor sport courts on the property of a vacation rental may be used by any guest or occupant between the quiet time hours of 10 p.m. and 7 a.m.~~

City Attorney Mora restated the consensus: To strike within Section 18-217, Subsection (b), striking (1)(2), preserving (3) general amplified sound restriction, which is taken directly from the current noise code and restated here.

**(c) Required Postings At Unit Entrance.**

All required postings shall be rendered in English, using a non-script font such as times new roman or arial, and shall be in a font no smaller than 14-point in size. Each vacation rental shall post a copy of the following either on the interior front door of the vacation rental, or on a wall within five feet of the front door:

- (1) **Owner's Conduct Rules.** Each vacation rental shall post a copy of the owner's conduct rules referenced in section 18-206.
- (2) **Occupancy Limitation.** The overnight occupancy capacity limit for the vacation rental.
- (3) **Designated Responsible Party.** Each vacation rental shall post the name, email and phone number of the owner or designated responsible person(s).
- (4) **Noise Disturbances.** Notice of the need for respect for the peace and quiet of neighborhood residents, especially between the quiet hours of 10 p.m. and 7 a.m., established in this article.
- (5) **Building Evacuation.** There shall be posted, next to the interior door of each bedroom, and the exterior doors exiting the vacation rental a legible copy of a building evacuation map—Minimum eight and one-half inches (8-1/2") by eleven inches (11").

Assistant Deputy Fire Chief Higley stated to avoid duplication in building evacuation is included in the fire district's life safety inspection, so he would ask that this subsection be strike-out, if possible.

City Attorney Mora asked if the fire district also requires that posting for its inspection. To him, that redundancy is not an issue. To him, the fact that both agencies require it does not present a problem. The city may wish to notice as also required by the fire district.

Assistant Fire Chief Higley stated the fire district's and the city's language needs to duplicate so that there is no conflict between this ordinance and the fire district's life safety inspection.

(d) **Additional Information.** In addition to the foregoing, there shall also be provided, in a prominent location on the inside of the vacation rental, the following written information:

- (1) The official street address and unit number, if applicable, of the vacation rental.
- (2) A copy of a document to be supplied by the city which includes excerpts from city code provisions of general application relevant to vacation rentals to include solid waste pick-up regulations, noise regulations, and regulations related to sea turtles and sea turtle lighting.
- (3) The maximum number of vehicles that will be allowed to park at the vacation rental, along with a sketch of the location of the paved off-street parking.
- (4) The days and times of trash and recycling pickup.
- (5) Phone number and address of HCA Florida Largo Hospital and Morton Plant Hospital, and directions from the vacation rental to each hospital.
- (6) Emergency and nonemergency phone numbers for the Pinellas County Sheriff's Office and Pinellas Suncoast Fire and Rescue District.
- (7) Emergency evacuation instructions and driving routes.
- (8) Rip currents are prevalent in the Gulf of Mexico, information from the National Weather Service, available via from <http://weather.gov> shall be provided to occupants on the dangers of rip currents that occur in the Gulf of Mexico.

Mayor-Commissioner Kennedy asked if Vice Mayor-Commissioner Houseberg's vacation rental magnet is given to short-term vacation rental owners when they fill out their application, if not, can this be done?

City Manager Mims stated it is not being done at this time, but the staff can make it part of the application packet. He noted the city would also include a QR code that would directly link renters to the city's rules and regulations.

City Manager Mims stated that one of the city's complaints is about golf carts. He does not know if there needs to be a reference to golf carts on the handout to remind the visitors of the rules and regulations for golf carts.

**Sec. 18-218.            Parking, solid waste disposal, legal compliance, evacuations, and miscellaneous provisions.**

**(a)    Parking.**

**(1)    Minimum Required Parking. Vacation rental units within the city are required to provide on-site parking in the following manner:**

- i.        Single-family and two -family dwellings: one on-site parking space per each bedroom, within each dwelling unit, as designated through the vacation rental registration process.**
- ii.       Multifamily dwellings: two on-site parking spaces for dwellings containing one or two bedroom units, as designated through the vacation rental registration process. In the event a multifamily dwelling has units with more than two bedroom units, as designated through the vacation rental registration process, then the vacation rental shall be required to maintain one on-site parking space per each designated bedroom.**

**This provision shall not be construed to require the modification of any existing parking infrastructure of any condominium property in the city's CT zoning district, where the condominium property contains units lawfully operating as short term vacation rentals. In such instance, the unit owner shall ensure any designated parking spot or allocation made for the subject unit remains vacant and accessible for its guest. Such spot or allocation shall be described and identified in the parking plan submitted with the rental registration.**

City Attorney Mora stated for multi-family dwellings, it is two parking spots for one and two bedrooms, then one per bedroom for every bedroom over three. The city's land development code in terms of what they have to put in for a multi-family is for three bedrooms and above is just three spaces.

City Attorney Mora stated as written, this requires more parking than the land development code requires when developing a structure of this nature.



City Manager Mims stated the city's land development code currently requires only three parking spaces for multi-family structures that have three or more bedrooms. He stated the way the draft is written, it is one parking space for every bedroom over three.

Commissioner Hanna asked if this draft and the land code regulations should be in agreement.

City Manager Mims asked the planning consultant if those two codes needed to be in synch with each other. He stated there is an assumption that not everyone will have a car for a three or four-bedroom structure. Therefore, that is why it is capped at three.

Commissioner Bond asked if there is a benefit to requiring more parking.

City Attorney Mora stated the policy discussion that was had last time centered around trying to mitigate the amount of excess parking that may (as a function of this particular use) flow into congestion or otherwise obscure street access.

Commissioner Bond stated he was wondering if parking could be addressed in some other way.

City Manager Mims stated anywhere in the city where there is required parking it has to be on a hard surface like shell, concrete, pavers, or asphalt.

City Manager Mims stated the city does not have any drainage requirements for the single-family zoning districts, which is highly unusual and the city commission should discuss this issue at a later date. However, the planning consultant does look at the slope of the property when reviewing the site plans for structures in the single-family district. The planning consultant does her best when reviewing these plans to make sure that the water does not run off onto the abutting properties.

City Manager Mims stated if the city is too stringent on parking requirements, the city would further alter the appearance, the feel, and the look of properties in residential areas because there are only so many places where an extra parking spot could be placed — the front or side yard.

Commissioner Bond asked if any other city commission member felt there is a benefit to having enhanced parking requirements per bedroom other than what is required in the city code. He is not sure what the benefit is of adding the extra required spaces would be particularly as the city manager was saying if all the short-term rental properties were going to start paving their front and side yards, which is also going to increase water runoff.

Vice Mayor-Commissioner Houseberg stated the city should probably revert back to the land development code on the parking — two spaces for single-family and two-family

structures and for multi-family, two spaces for two bedrooms and three spaces for three or more bedrooms.

Commissioner Bond stated if people come in with more cars than fit there, they simply will not have a place to park their cars.

Vice Mayor-Commissioner Houseberg stated that they park them on the street, and that was what the city was trying to reduce, but she does not know if the city can.

Vice Mayor-Commissioner Houseberg stated that parking on the street is a problem for the fire district.

Commissioner Bond stated the city does not want cars parked on the streets or on the grass.

Commissioner Bond stated the city wants the right number of cars for the size of the house.

Mayor-Commissioner Kennedy stated the city continues to evaluate streets that are having congestion issues due to on-street parking.

City Manager Mims stated the staff has completed its evaluation, but are always open to complaints. He stated the Public Works Department has installed several hundred no parking signs.

City Manager Mims stated the city receives very few complaints now about regular routine parking issues. However, the city has received complaints on a handful of vacation rental properties with four or five bedrooms, and in the afternoons, there will be 15 cars parked out front.

City Manager Mims reviewed the no parking on-street area with the city commission and stated it has worked very well. He stated that most of the city's cul de sacs have no parking signs on them as well.

Commissioner McCall asked where was the conflict at.

City Attorney Mora stated it is in both — single family/two-family dwellings and multi-family. He stated in the city code single family/two-family dwellings are required to have two spaces per dwelling unit. In the draft it reads: "one on-site parking space per each bedroom, within each dwelling unit, as designated through the vacation rental registration process," which could be beyond two. This provision, however, does contemplate that available garage space is part of that count.

City Attorney Mora stated that multi-family dwellings can exist within districts that are being regulated that is where the biggest conflict is. In the land development code, multi-family dwellings parking spaces are capped at three whereas in this draft it has the one to one relationship to the number of bedrooms.

Commissioner McCall stated he does not have a problem with the parking space per bedroom. Even the smaller beach houses, a three, two, there will be a garage and a single driveway, that is easy to fit three cars. He would expect a four or five-bedroom home to have at least a dual-wide driveway plus a garage, and in his mind, it would not be tough to fit five cars at that property.

Commissioner McCall stated he thinks the vacation rentals present a different opportunity than a family. If they live here permanently, both parents probably have a car and maybe a toy. But if there are five people coming for a four-bedroom house, if they are couples they might bring one or two cars.

Commissioner McCall stated he does not have a problem with the way it is written. He stated it should not be that much of a compliance issue.

Commissioner McCall stated as far as the multi-family dwellings, it is minimal that could be something that the city refers back to the land development code. Multi-family dwellings are going to create a separate parking issue. Multi-family dwellings are built to the end. There is parking underneath. It depends on the development. He can see multi-family dwellings having a harder time complying with the new parking requirements.

Commissioner McCall stated as far as the single- and two-family dwellings, he thinks most houses can work that in without paving the front or side yard, by widening the driveway at the most.

Vice Mayor-Commissioner Houseberg stated her only concern is requiring the additional parking spaces and then people go crazy with getting concrete in their front yards. She stated this requirement would change the look and feel of the whole neighborhood.

Commissioner McCall stated the city commission had a consensus on the occupancy limit, so that would resolve the 20 cars parking on the street.

Commissioner Hanna asked if there was an impervious ratio for yards in the single- and two-family zoning districts.

City Manager Mims responded negatively. He stated there are no drainage requirements in the single- and two-family zoning districts. He stated all the water is dumped into the street.

Commissioner Hanna stated he agrees with the consistency with the land development code. But the problem he has is that there are so many cars on the city roads right now, and with that, he would probably lean more with consistency with the land development code than one parking spot per bedroom. He stated he could go either way though.

***THE CONSENSUS OF THE CITY COMMISSION WAS FOR THE MINIMUM REQUIRED PARKING FOR A VACATION RENTAL WOULD CONFORM TO THE MINIMUM REQUIRED PARKING FOR THE STRUCTURE BASED ON THAT REQUIREMENT ALREADY EXISTING IN THE LAND DEVELOPMENT CODE.***

**(2) Permissible Parking Locations.**

- i. All vehicles associated with the vacation rental, including visitors not residing at the vacation rental, shall be parked within a driveway or parking area located on the premises and in compliance with the city of Indian Rocks Beach Code of Ordinances.
- ii. For purposes of calculating permissible parking spaces a property may include the capacity of the garage, provided the garage is sufficiently vacant to safely accommodate a compact car in the identified space. It shall be deemed a violation of this code if a rental owner identifies space in the garage as being available for parking in its rental registration, but the space is rendered unavailable by the owner or with the owner's knowledge during a rental tenancy.

City Attorney Mora stated he would confer with the planning consultant to ensure this section is also consistent with the land development code.

- (b) **Solid Waste.** Solid waste disposal (household garbage, recycling, and yard trash) created at vacation rentals shall be stored and put out for pick up in compliance 16-24 of the code, and on the day(s) of the week set out in the city's solid waste code of ordinances, franchise agreement, and official policies.
- (c) **Legal Compliance.** All persons renting and occupying a vacation rental shall comply with all local, state and federal laws applicable to their conduct at all times, including those related to illegal activities, the creation of nuisances, disturbances of the peace, and responses to emergency declarations.
- (d) **Evacuation.** Vacation rental occupants are required to participate in all mandatory evacuations due to hurricanes, tropical storms or other threats to resident safety, as required by state and local laws.

- (e) **Temporary Use Permit.** A vacation rental property, when rented or occupied by a vacation rental tenant or guest, shall not be eligible for a special event permit to be conducted on the vacation rental property. The owner of a property possessing a rental registration may apply for a special event permit, upon a sworn statement under penalty of perjury that the permit they seek is for their personal use as the property owner and not by a transient rental guest or occupant. It shall be unlawful for any person to give any false or misleading information in connection with any application for a special event permit as required by this article.
- (f) **Temporary Storage.** No temporary storage containers may be stored on the vacation rental premises. The term “temporary storage container” shall mean any container, structure, box, cylinder, or crate made of any material not permanently affixed to real property, that is enclosed or capable of being enclosed on all sides, top and bottom, that is stored, placed, located or put on any real property within the city for the purpose of storing personal property, construction material, trash, refuse, garbage, debris, or other material or matter. Provided, however, with prior authorization from the building department a temporary storage container may be authorized during valid construction permit activity for this location. For purposes of this section, a garbage can or a recycling container, as those terms are defined in of the code, are not temporary storage containers.
- (g) **Impermissible Rental.** No accessory structure, vehicle, recreational vehicle, trailer, camper, boat, yacht, or similar apparatus shall be utilized or rented as a vacation rental, or used to impermissibly provide sleeping quarters or otherwise accommodate more than the permitted number of overnight occupants on a property when used as a vacation rental.

**Sec. 18-219. Residential Amenities - rentals prohibited.**

- (a) The owner, tenant, or authorized agent of an owner or tenant of a single-family dwelling, duplex, duplex townhouse, or townhouse is prohibited from listing on any online marketplace for rent or lease, any amenity, feature, or accessory building or structure, appurtenant to or associated with such single-family dwelling, regardless of the purpose or length of time of said rental or lease, or otherwise renting or leasing individual amenities, features, or accessory buildings or structures on the property separate or apart from the primary structure.
- (b) For purposes of this section, the words “amenity, feature, or accessory building or structure” includes, but is not limited to, sheds, garages, docks, boat slips and lifts, driveways, rooftops, attics, pools, spas, saunas, fire pit, putting greens, sports courts, gardens, gazebos, outdoor kitchens, or front, rear or side yards.

- (c) This section does not apply to the renting or leasing of clubhouse rooms or spaces, storage closets, parking spaces or garages of condominiums, as that term is defined in of this code, when the rental or lease is between the condominium association and its residents or between a condominium resident and another condominium resident.

City Attorney Mora stated this section does not prevent an owner from including in their listing that there is a pool, tennis, recording studio, etc. What this prevents explicitly is marketing and renting that separate from the entirety of the structure or otherwise renting or leasing those amenities, features, or accessory structures on the property separate or apart from the primary structure.

Commissioner Bond asked about structures with mother-in-law apartments and cottages and how that would be affected.

City Attorney Mora stated that it was more than likely that it would be considered an owner-occupied rental. As drafted, there is an owner-occupied exception that carves that out, so that is how that would be handled. This is the same true for room rentals.

**Sec. 18-220. Minimum life/safety requirements.** *[Confirm consistent w/ PSFRD]*

- (a) **Swimming pool, spa, and hot tub safety.** A swimming pool, spa, or hot tub shall comply with the applicable standards of Florida Statutes Chapter 515 Residential Swimming Pool Safety Act.
- (b) **Smoke and carbon monoxide (CO) detection and notification system.** There shall be a hard-wired smoke and carbon monoxide detection system, installed and maintained in compliance with the requirements of Florida Building Code Residential, Sections R314 Smoke Alarms R315 Carbon Monoxide Alarms.
- (c) **Exit Signage.** Each doorway operating as an exit to the property shall be designated by a sign stating "EXIT", that is illuminated or otherwise composed of reflective material such that it could be readily perceived with the assistance of a flashlight.
- (d) **Fire extinguisher.** Each vacation rental shall install and maintain at least one working multi-purpose (ABC) dry chemical extinguisher on each floor of the rental property or unit. The fire extinguishers shall not be installed inside of a closet or cabinet, but rather must be installed on a wall in an area clearly visible to guests. Each fire extinguisher shall be installed and maintained in compliance with NFPA 10.

- (e) Battery powered emergency lighting. Battery powered emergency lighting which is hard-wired, and illuminates automatically for at least ninety (90) minutes when electricity is interrupted, is required at each building exit.

**Sec. 18-221. Exemption for pre-existing rental agreements.**

Notwithstanding any other provision of this article, a rental agreement with prospective occupants for vacations rentals that were entered as of [effective date of ordinance] (hereinafter “pre-existing agreement”) is exempt from the provisions of this article to the extent any newly-adopted term of this article conflicts with a term of the pre-existing agreement.

If a vacation rental is cited for a violation of this article, (that would not be a violation if it were not for newly-adopted terms of this article), when the vacation rental is occupied under the terms of a pre-existing agreement, the vacation rental owner may defend such violation based on the fact that the vacation rental was exempt from this article due to it being occupied pursuant to a pre-existing agreement. Such defense shall be determined based upon the following information, and upon any additional information supplied by the vacation rental owner or otherwise determined by the fact finder:

- (1) Copy of deposit or payment information evidencing that the agreement was a pre-existing agreement;
- (2) Copy of e-mail or other communication evidencing a binding pre-existing agreement;
- (3) Information from the occupant confirming that there was a binding agreement in a time-frame to make the agreement a pre-existing agreement under this article; or
- (4) Written vacation rental agreement dated prior to [effective date of ordinance].

If it is reasonably determined by the code enforcement officer or deputy, and confirmed by the magistrate, that any information supplied to the city in support of an application for exemption or in support of a defense based upon pre-existing agreement was intentionally false or fraudulent, the person supplying the false or fraudulent information shall be subject to a code enforcement proceeding and prosecution under Florida Statutes § 837.06.

**Sec. 18-222. Exemption for owner-occupied vacation rentals.**

The provisions of this article shall not apply to owner-occupied vacation rentals or property which is designated homestead under the Florida Constitution and Florida law

from forced sale under any process of law. Before granting such exemption city staff shall verify that the identified property is afforded status as a homestead for the identified property owner, pursuant to the records maintained by Pinellas County. Any person desiring to qualify for the exemption herein shall file an affidavit in substantially the following form.:

“Affidavit of Exemption”

State of \_\_\_\_\_

County \_\_\_\_\_

Before me the undersigned authority personally appeared \_\_\_\_\_ (hereinafter the "Owner") who upon oath deposes and states:

1. I am over the age of 18 and competent to make this Affidavit.
2. I own the following real property in the City of Indian Rocks Beach, Pinellas County, State of Florida: (Legal description and Street Address)
3. Check as applicable:  
( ) I currently occupy the property described in paragraph 2 above and have resided on this property continuously and uninterruptedly from (date) to the date of this Affidavit; and  
( ) I have applied for and received the homestead tax exemption as to the above-described property, that \_\_\_\_\_ is the tax identification parcel number of this property, and that the undersigned has resided on this property continuously and uninterruptedly from (date) to the date of this Affidavit.
4. The purpose of this Affidavit is to qualify for exemption from the City of Indian Rocks Beach Vacation Rental Ordinance.

Sworn and subscribed before me by \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_

\_\_\_\_\_  
Notary

**2. PUBLIC COMMENT.**

**Don House, 2104 Beach Trail,** complimented the city commission on their work with vacation rentals. He stated it all comes down to noise. If the noise ordinance is enforced, most problems will be resolved. He said square footage should be a factor when



determining the occupancy of a house instead of just by going by the bedrooms. Some older homes have been modified legally and do not meet the required parking spaces.

Mr. House stated he met with some STRs owners, and they were dismayed that the city would not meet with them as the city was developing this ordinance. However, the city did meet with the residents against vacation rentals.

Mr. House stated he made a public records request for all the problems occurring with vacation rentals so that he could find out where the problem rentals are, but nothing was forthcoming. The code enforcement officer advised him that the city does not have a specific file on these rentals; the city knows where these bad rentals are. He stated the city needs to clean that up and have good records for when the city is talking about a bad rental.

**Erika Dietz, 534 Harbor Drive North**, stated her main concern is with the designated responsible person. She understands when there is a problem with a rental noise or otherwise that, there needs to be a good response time. But speaking personally and for many owners, the 24/7 response time within one hour is not physically or biologically possible, that would mean not sleeping. She mentioned before that she thought it might be a good idea to consider a hotline tied to some answering service. This way, it would allow for 24/7 availability. A hired answering service company could answer the phones anytime. The city could develop standardized verbal responses based on the situations so those answerers could be trained to respond to various situations, just like the 9-1-1 call centers are. Importantly, considering the code that the city is trying to adopt, it would also allow the city to track the source of those calls easily, what subsequently transpired, and what the outcome was, very similar to a 9-1-1 situation if the city is looking as it says in the current template to ask people to keep a record for up two years of all these things, why not put that on an answering service that the city could pay. This makes a lot more sense than asking an owner, like herself, to stay up 24 hours a day and cite her for violations if she does not answer within an hour.

Ms. Dietz stated that Section 18-218(2), Permissible parking location, currently says: "All people and visitors must be parked within a driveway or parking area located on the premises," which might have been stricken with the land development code. But if not, she would think that would also be impossible. So, hopefully, that will be clarified.

**Rod Baker, 364 Bahia Vista Drive**, stated he would encourage the city commission to use square footage when considering occupancy limits. There is a big difference between a 3-bedroom, 2-bath, and a 1,000 or 3,000-square-foot home. He stated that the city commission could do two bedrooms plus two maximum occupants, ten maximum occupants up to 1,990 square feet, and 12 maximum occupants above 2,000 square feet. Here is why: He runs his eight adults and four children for his business. This ordinance does not take into account children. He stated 8 and 4 that are families. Frequently it is

extended families — no noise, no problems, and they share cars. If the maximum capacity is ten, the city has just an incentive for the STR owner of a family vacation rental to cater to ten adults, that is, a party vacation rental. The city will have the exact opposite effect of what the city's intentions were. Also, with parking, if the city encourages these savvy investors to respond with additional parking, they will be taking parking away from the residents. Every driveway has an apron, every apron removes a parking spot from the citizens. That is the opposite effect of what the city is trying to accomplish. He understands that the city has received some letters regarding all this. There is an occupancy considered alone that might be the least risky thing for the city to do. There is standing law in another city in Pinellas County. No judge is going to remove the standing law. He would like to have the city attorney's opinion on the least risky in terms of the city getting financially strapped through litigation. If the city relieves occupancy, the city relieves parking and noise. Why not just relieve occupancy for six months and see what happens? Maybe it solves the problems with the least amount of risks to the city.

Mr. Baker asked that the unwelcoming signs posted throughout the city be taken down. It has been a PR nightmare for the city of Indian Rocks Beach. The city is on the news for all the wrong reasons. It is not the direction that the city wants to go in.

**Marilyn Bush, 512 Harbor Drive North**, stated she has lived there since she built her home in 1973. She does not rent her house or a room. She said that she had noticed the changes in her neighborhood that the city commission might not be aware of for someone who has lived there for a long time. Her golden years have turned to brass because of the vacation rentals right next to her and two across the street, with more to come. She has had to do several things to keep her property private and not overrun by vacation renters. She has put black-out blinds on her windows because the house next door is a two-story home, and the lights are on all night and shine in on her bedrooms. She had asked the owner, who is rarely there, if he could do something about that. But how can he do something with weekly renters? She installed a fence between their lawns because they are continuous, and there is a possibility that people could park on her lawn. She never intended on installing a fence in the 47 years of living there. She stated so far, she has spent approximately \$7,500 to \$8,000 to protect her property. These are the things that the city commission might not think about because she is just a resident. She is not an investor. She used to live in a neighborhood where everybody knew everyone and got along. Now, there is no neighborhood. It is a street. There are no residents. There are investors. The residents are paying the price for these short-term vacation rentals.

**Patti Katz, 124-13th Avenue**, stated there should be and is a distinction between businesses and residences. Transients are on vacation the entire time that they are here. Residents work, and they are not on vacation. People are clapping, and it just proves that they have no regard for the peace and tranquillity of the residents. They have a lack of respect for the residents.

Ms. Katz stated that she did not know that the city was enforcing parking because people always park in front of her mailbox, and she does not receive her mail. Granted, she is a block from the beach.

Ms. Katz stated the neighborhoods are saturated with vacation rentals. So many people are walking around the neighborhoods, so it is not really a neighborhood. IRB does not have neighborhoods; they have streets! It is just people walking around the streets. They do not live here, and they do not care. It is just sad for the residents to see what is going on.

Ms. Katz stated children should be included as an occupant.

**Suzie Bell, 717-1st Street, Unit B**, stated she has never stayed at any hotel where the pool did not close nightly at a specific time. (Unintelligible on Zoom)

**Jerry Newton, 438 Harbor Drive North**, stated he understood when the city commission deleted Section 18-217, Quiet hours limitations, Subsections (1) Occupant Access Limitation. No persons other than the occupant who has rented the property from the owner may remain in or on the property between the quiet time hours of 10:00 p.m. and 7:00 a.m., and (2) Outdoor Amenities. No pool, spa, jacuzzi, or outdoor sports courts on the property of a vacation rental may be used by any guest or occupant between the quiet time hours of 10:00 p.m. and 7:00 a.m. from the document. If subsection (1) is deleted, there is no limitation on when guests are allowed, so there is the ability to have guests 24/7. Maybe they are not sleeping but partying at the house. If they can be outdoors, they can be in the pool after midnight. He is okay with refining the language but gutting them! The city commission took the full strength away from the biggest complaint with short-term rentals: noise. The city commission just eliminated it and gutted it.

Mr. Newton asked if the document mentions a maximum number of guests. The city requests a temporary permit if there is a party or gathering of 50 or more people.

**Lee Wilkerson, 490 Harbor Drive North**, spoke on occupancy limitation and the grandfathering in of the ones already booked for this year (before adopting this ordinance). He stated there should be pool hours for all vacation rentals, and the hours should be posted. He indicated his vacation rentals (west side of Gulf Boulevard) have pool hours and are posted. The pools should be closed at night. That is just being a responsible owner. There should be a limit to the number of cars per vacation rental.

Mr. Wilkerson asked how many complaints the city receives on vacation rentals and stated that information should be published and posted.

Mr. Wilkerson stated vacation rentals should be available 24/7, and the vacation rental owners should pay for the service, not the city.

Mr. Wilkerson stated the vacation rentals should be visible and not on the garage door.

Mr. Wilkerson stated the city needs to enforce the city code. He said most code violations happen on Thursday through Sunday and on holidays.

Mr. Wilkerson stated the residents want their zoning back in the residential neighborhood — a minimum rental of 30, 60, or 90-day rental in the neighborhoods.

**Kelley Cisarik, 448 Harbor Drive South**, stated she was disappointed with the changes to this ordinance. She said for the Commercial-Tourist (CT) zoning district, the city commission threw residents who live on the west side of Gulf Boulevard to the wolves. There are no building code inspections for the west side of Gulf Boulevard, meaning there will be illegal build-out, and those properties will be packed full. If there are no annual inspections for building costs, then the interiors of those buildings and the garages will be built out to maximize how many people they can pack in. The developers can build vacation rental units because there is no maximum occupancy on the west side of Gulf Boulevard. One proposed vacation rental property is already advertised with a sign around 9th Avenue and Gulf Boulevard.

Ms. Cisarik stated that for the residents on the east side of Gulf Boulevard in the residential zoning district, how will the occupancy limits be enforced after 10:00 p.m. Someone could have up to 49 people on-site before a special use permit is required for an event. The city only has noise violations, but the city had those before. So, what will the city get with the occupancy limits? There is no way to enforce it.

Ms. Cisarik stated that if the city does not differentiate between registered guests on a rental contract and visitors, whether they are just on-site there visiting, then the city has no way to control the extra people on-site at night.

Ms. Cisarik stated spring break brings ticketed pop-up parties every year to the east coast of Florida. She does not see why Indian Rocks Beach would not have those here either. She stated the draft does not address this kind of problem.

Ms. Cisarik suggested the city commission go back through this draft and reinstate some of the protections for residents.

**Beth McMullin, 481 Harbor Drive South**, stated the people who want the occupancy limit based on square footage do not live around some of the significant vacation rentals that she does. She briefly explained the floorplans of the large vacation rentals at the end of her cul de sac and how vacation rental owners changed the floorplans of homes to make more bedrooms to increase occupancy.

Ms. McMullin stated that parking in Indian Rocks Beach is a privileged as everyone knows there is insufficient parking. She has seen vacation rentals state in their advertisement parking for two cars. She stated just because they expect it, does not mean the city has to give them all this parking. If it does not meet that renter's needs, then move on. Find a place that meets their needs. Vacation rentals must follow the city's rules and regulations regarding occupancy and parking.

**Preston Smith, 2308-1st Street, #5**, stated that most of the city's long-term residents need this city commission to discourage and restrict the short-time vacation rental takeover of the city. He was very surprised that the city commission removed some of the restrictions in the draft. He stated some of the restrictions do not seem to make sense. For example, one family can use their swimming pool in the evening hours, while others cannot. It makes perfect sense for the long-term residents here because they are more respectful and are more used to the quietness of the neighborhood. At the same time, the vacationers should get out of the pool because they do not have the same respect for their neighbors. He was concerned with the radical rules in the draft, such as the one-hour response time for a responsible person and three violations, and a vacation rental owner could lose their license. However, he thinks the long-term residents need to fight back against the vacation rentals takeover. It seems now that Tallahassee is going to take control of vacation rentals out of the hands of local government, and they seem to be sliding with the vacation rentals as far as restricting the city can do.

Mr. Smith stated the city needs to tell Tallahassee to stop taking campaign contributions from Airbnb and writing these rules that do not help the cities. He thinks that the occupancy limits and parking restrictions were great ideas.

**Lan Vaughan, 301 Harbor Drive**, stated this is a far cry from where the city was six months ago. He has had the opportunity to speak to the city manager, and some initiatives the city commission has put forward have been outstanding. He is disappointed tonight because the city commission has forgotten that short-term rentals are commercial properties operating in residential neighborhoods. He had the opportunity to talk to several people to find out what the residents wanted, and he had the chance to speak to several of the city's boutique hotel owners. They are okay with these regulations. It puts them on a level playing field with the city's short-term vacation rentals. They need to be accountable, like the city's hotels. The city needs to inspect the short-term vacation rentals and ensure that the citizens and tourists are safe and working together to make sure that happens.

**Mary Wilkerson, 490 Harbor Drive North**, stated the goal is to enact regulations that deter short-term vacation rentals from taking over the city's neighborhoods. That should be the city's goal. Can the city do everything possible to make that happen? She thinks the city should. She believes that the city commission should gut some of the things it discussed, like maximum occupancy and parking. The city should do everything it can do.

The city needs to be serious about imposing fines and penalties. The key to her in this whole thing is the eventual elimination of short-term vacation rental privileges. Her family has small boutique hotels and owns four historic properties.

Ms. Wilkerson stated that there was a very uneven playing field when Airbnb was introduced. They did not have to pay the 13% tax, there were no occupancy limits, no pool regulations, and so forth. There is an unfair playing field.

Ms. Wilkerson stated, like Commissioner Bond said, what makes Indian Rocks Beach interesting and gives it a sense of community is the small cottages and the historical properties and things. If the city continues to allow these large investors to go around the rules, act like hotels but not follow the rules of hotels. She stated she must have state, county, and licenses and a lot of hoops to jump through on the west side of Gulf Boulevard but not on the east side of Gulf Boulevard. She would like to see their pools regulated like her pools. She stated that if they are going to act like a hotel, they need to have the same rules as they have on the west side of Gulf Boulevard.

**Todd Shear, 456 Harbor Drive North**, stated that there are communities that just outlaw overnight parking on the street from midnight to 6:00 a.m. or 7:00 a.m. It would apply across the board but that is one solution that could also be enforced. That could be a positive outcome for the community for both sides of the equation.

**John Pfanstiehl, 448 Harbor Drive South**, stated that he is disappointed that the draft has been gutted so severely. He does not even understand some of the logic behind it. For instance, the gutting of no visitors after 10:00 p.m. If there is an occupancy of 10:00 p.m., and there are 24 people in the pool in the backyard. It is easy to police. It is not always easy to police if everybody is inside the house. Just because it is imperfect does not mean the city commission should throw it out, as other people have said of noise, parking, and garbage. Noise is probably the biggest, and noise comes from having many, many, many guests and parties going into the evening and in the pools. The no visitors and no one in pools past 10:00 p.m. should be placed back into the draft.

Mr. Pfanstiehl stated short-term vacation rentals should not be in residential neighborhoods. Residential neighborhoods are carved out for residences, not for businesses. The signs will come down when there are no short-term rentals in residential neighborhoods in Indian Rocks Beach like it was intended to be and like when the city had a three-month minimum stay. The residents are going to fight to get that back.

**Teresa Pruchiewska, 316-6th Avenue**, stated that short-term vacation rentals would destroy this entire community. There will be no more residents. It will be just a short-term vacation rental community.

**Hugh Burton, 1102 Beach Trail**, stated he has lived in this area since the late 1950s. He has seen Indian Rocks Beach being a sleepy beach town, and he built his house here several years ago because it was a sleepy beach town. He thinks there is a solution. He knows that much of this is handled by the state and there is probably not a lot that the city can do except manage it as best as it can. But he thinks it comes down to commonsense and responsibility on behalf of the short-term rental owners. Perhaps they should be required to live next to the property they are renting.

**Marty Ryan, 402 Harbor Drive**, stated she is so tired of hearing the residents victimized, and the short-term rentals are portrayed as the victims. IRB's only PR problem is getting the reputation as a place where anything goes. The city has turned a treasure into a train wreck. The residents need the city commission's help to push back on Tallahassee, and residents will back the city commission.

**Sarah Johnson, 1206 Beach Trail**, stated that if a person lives west of Gulf Boulevard surrounded by condos and motels, they dodged a bullet. The rest of them can and probably have filled everyone in on the nightmarish reality of life besides a single-family home gone vacation rental. Condos and motels have rules stated and posted for a reason - to protect all those residing and staying there from others who would disturb the peace. But as she woefully found when the single-family turned vacation rental next to her five years ago, when asked to put rules in place that would allow her some sleep at night and sanity during the day, the owners of this mega rental catering to massive ever revolving party entourages took the attitude, "*Uhm yeah, nope, we don't have to do that.*"

Ms. Johnson stated when Chief Davidson recounted wanting to purchase a home in IRB but decided against it because he could not effectively do his job without sleep due to vacation rentals, his words she sure echoed the lived experience of many of the residents here. Her or R.B. over the railing after midnight on a continuous basis - new week - new group - new request, "*Hey, guys, it's a weeknight, there are families right beside you, people have to work in the morning, could you please take it inside? Could you please quiet down?*" Shocked, perplexed, outraged, the response more often than not is "*Weeknight?!?? What'd ya mean weeknight?!*" She stated the word weeknight has no meaning in a vacation party house.

Ms. Johnson stated west of Gulf Boulevard is not the business district as Vacation Home Owners of IRB would like to have the city believe per their letter, which she also received. It is not Bourbon Street. It is not their personal after-hours club to stumble into to top off your night after the bars close for hooting, hollering rounds of corn hole, a hilarious game of beer pong followed by eight people in the hot tub singing along to Paradise by the Dashboard Lights while a half a dozen others tell each other drunk stories shouting "*No Way!*" every five minutes on the massive outdoor living room deck above. "*Oh My God! Turn it up! That's my favorite song!*" "*We're on Vaaa - caaa - tion!*" Every night. Every day.

All day long. Why? Because the mindset is they will get every penny's worth of fun out of the over \$12,000, they dropped in this rental for the week. *"It's our right!" "We paid for it!"*

Ms. Johnson stated the city commission, no one, not even those of them on the west side of Gulf Boulevard, should have to spend their life dreading Saturday turnover day, wondering if the next group could be more raucous than the last, dreading Sunday Funday and worst of all Sunday night when they have stocked up the bar, feel they have got their sea legs on and are ready to let loose... meanwhile for the rest of the world, as she knows Sunday nights have an entirely different meaning - getting yourself organized and rested for the demands of the week ahead.

Ms. Johnson stated no, west of Gulf Boulevard is not the business district, it is Commercial Tourism - a place where residents and tourists alike expect to be able to process a thought during the day without finding there is nowhere in their home they can go to escape the never-ending party music; a place where residents and tourists alike expect to be able to sleep at night.

Ms. Johnson stated the root problem is greed. Greed for money the owner can amass and the vacationer's greed for the no-rules party house they have bought and feel is their entitlement. And greed blinds people from regulating themselves. They do not give a rat's behind for the city and neighborhoods they are decimating. The only resolution is to pass an ordinance clearly delineating behavior not allowable on the premises of these businesses. Businesses willing to behave responsibly have no problem with rules because they do not impact them. They are already behaving responsibly.

Ms. Johnson stated that R.B. and her vacation rentals are west of Gulf Boulevard. The cottage always has been and always will be quiet. Her rental, not yet operating, will have strict rules guests must sign agreeing not to disturb neighbors. Why would she impose these rules knowing it will turn some renters away? Because of basic human decency. Because my neighbors and the city matter more than my ability to make money off the partying segment of the potential customer base.

Ms. Johnson stated the day IRB became a city that is undesirable to the fire chief and countless decades-long residents and families who have had homes here for close to 100 years, she knew the city had gone beyond astray. We desperately need a proactive ordinance to protect all residents' quality of life including taking us out of perpetual reactionary mode. As a commercial entity in a residential structure, the burden needs to be placed on the owner and renters to ensure quiet. The responsibility should not be on residents to repeatedly ask for enforcement. Continuing to allow unsupervised neighborhoods on the west side of Gulf Boulevard emboldens the Vacation Home Owners of IRB opposed to rules to say, *'See, we can make these neighborhoods unlivable for residents, and they can't do anything to stop us.'* *'Unlivable, the city's residents might*



*leave?... 'Great!, they'll say, 'that'll open up all the more properties we can scoop up to turn into greed factories!'*

Ms. Johnson stated the residents need the city commission's help. The residents need the city commission to protect them from unsupervised STRs throughout the city, including the west of Gulf Boulevard. She asked not to let the vacation rental industry steal this beautiful city away from them.

**Gorman David Ludwig, 2312 Gulf Boulevard**, stated his family had owned the property since the 1930s. As part of the village history of Indian Rocks Beach, people come here to enjoy the beach. He understands many of the complaints about short-term rentals and feels the pain because there are some bad ones out there. When they rent their property, they are renting their home. He has never received a complaint over the past 12 years that he has been renting his home. He thinks the owner should be responsible. He likes the changes made to the rules except for the pool. He feels that everybody should have equal pool rights. The existing ordinance is not being enforced; the residents would be happy if it were enforced. He likes the rules. He hopes people do understand that families come here to enjoy Indian Rocks Beach, and he thinks that putting too much restriction would hurt the families that want to go here. The city should be a little bit more welcoming to the guests of Indian Rocks Beach.

**Mary Levine, 306 Bahia Vista Drive**, stated she sent an email to the city commission on how the city's infrastructure is handled. She noted the city has 28 blocks, and the traffic is so dense that the fire district vehicles and equipment cannot get through, which is pretty alarming. The fire district wants to build a new fire station just north of Indian Rocks Beach. She stated that the city commission and the residents should start thinking about how much the capacity is and how many are in Indian Rocks Beach.

**Rick McFall, 408 Harbor Drive North**, stated this change happened in 2011, which was a big surprise for everybody. He said residents had expressed concerns about these developments since 2014 but have been largely ignored. The city has no records of complaints or interactions, and in most cases, the residents write letters and receive no responses from the city or the city commission. So it tells him that many residents are giving up complaining because they know it does not do any good.

Mr. Fall stated this is the second work session, and there has been much discussion. The city is right back to the same situation where again, the city writes something, and then at the last minute, it decides to change it and maybe water it down because someone does not like some particular positions. He thinks particularly the quiet hours limitations are reasonable. There may be some adjustments, but the city needs to look at the reality of the situation. No one is roaming around the neighborhoods from the city that will be out 24/7 looking at this stuff. This is complaint-generated, as the city has always been. Someone must pick up the phone and complain before the city takes action. This draft is a minimum

standard. It does not mean it will be used in all cases. But if someone is having a pool party next door at midnight or 2:00 a.m., and they need some relief from that, this draft puts it in perspective and allows somebody to go out there and say, knock it off. Otherwise, no one would waste their time complaining if they were quiet.

Mr. McFall stated most residents are upset because of the noise and parking situations.

**R.B. Johnson, 1206 Beach Trail**, stated he agrees with a number of previous speakers who seem disappointed that there has been a move tonight to somewhat gut the regulations that would have proactively protected the residents. The operative phrase is proactively protecting the residents so that they do not have to be constantly reacting, that is a large part of the problem. The pool and hot tub regulations that the city commission was contemplating have been gutted from the draft, putting a focus on one of the problems. If somebody is in a pool at an inappropriate hour in a condo or hotel, there are rules and they are asked to get out. He stated that should automatically be the same standard throughout the city but definitely in the residential neighborhoods. He thinks it should apply on the west side of Gulf Boulevard also. The loud noise from short-term vacation rentals forces the residents to react constantly.

Mr. Johnson stated warnings are given to the renters, they leave, and a new group of renters check-in, issued a warning, and leave. There are no real consequences. No tickets are issued for noise violations—only warnings to renters. The STR owners are not being penalized. The three violations and a possible license suspension do not come into play. He thinks that it needs to be taken into consideration here that the residents should not always have to react to constantly getting on the phone. He stated that putting these minimal restrictions in the draft is putting the burden back on the renters of the owners, where it should always be in a city like Indian Rocks Beach. For short-term vacation rentals to follow the minimal baseline rules, and sometimes they are not going to, a resident must pick up the phone. The draft says the city is constantly falling back onto the noise ordinance and forcing the residents to react again. . .and sometimes not even getting long-term relief through a special magistrate, etc. It sounds like, once again, that things are getting watered down and it is just falling back on other items in the city code. That is just reaction mode, reaction mode. The city needs to be proactive.

**Dave Mott, 446-18th Avenue**, stated he had been a resident of Indian Rocks Beach for 11-12 years and he loves this town. People care so much about this town. People want it to be a great place to live. The town has changed. The city's logo is "World's Safest Beach," In the city manager's time, he will need to figure out when that is untrue. He thinks the city commission will also have to contemplate that. Indian Rocks Beach is a beautiful town and a wonderful place to live. He stated so many residents are involved with Action 2000, Inc. and the Indian Rocks Beach Homeowners' Association and commit their time to this city. Those people are here and standing up and saying do not forget about them because of the influences. He stated there had been rentals for decades, and there were

no problems until the eight to nine years. As a city commission, that is when the city commission asks what it can do. What is the city commission's responsibility? He stated he is grateful to all the city commission members for their dedication and volunteerism.

Mr. Mott stated that the city commission has listened to the stories for several months. The city commission took time to act on it. That says a lot about the city commission. He stated the city commission needs to recognize that this is a moment when the city commission can make a difference. This is not about rentals. It is about people that take it too far and do not care.

Mr. Mott stated the city commission has a chance to make a difference, he just expressed to the city commission his hope that the city commission just gets it done, the city commission gets it right.

Mayor-Commissioner Kennedy closed the public comment session.

City Manager Mims stated there was a comment made about the city's outreach to different organizations, particularly the vacation rental. He said when the city started this process, the city received an email from a gentleman who represented or created one of the organized groups of vacation rentals. He and the city attorney met with him, and his whole concern or the just of his email was that they wanted to be involved in the process, and he also illustrated some other concerns that he had. Before they concluded that meeting, they encouraged him to stay engaged, continue to communicate with the city and city commission, and email the city commission to express his concerns and comments. The first draft was emailed to him and the city did not receive any input back from him.

City Manager Mims stated the city manager has been in contact with Attorney Lirot, who represents several vacation rental owners, where they have gone over every aspect of this draft.

City Manager Mims stated the city responds to every complaint and email that the city receives, which is why he provides a monthly code enforcement report. He noted that the city has a record of every complaint that the city deals with.

City Manager Mims stated in November 2022, the city commission authorized him to communicate and negotiate with a host compliance company for vacation rentals. It is a budgetary item, and when he obtains the final number, he will bring it back to the city commission for approval. He stated a host compliance company would provide a 24/7 number where residents can call that number and advise where the address of where the problem is occurring. The host compliance company calls the responsible party and is notified of the issue at their rental. He stated there is a record made of the call and the problem, and a follow-up report is forwarded to the city. The host compliance companies can send the city's form letters to violators.

City Manager Mims stated that Senator DiCeglie sponsored SB 714 and who lives in Indian Rocks Beach, and that is one of the concerns that he has about the future of the city's growing cost of dealing with this issue. There are other costs involved, whether it be a host compliance company, a magistrate, and additional time for the city attorney's staff.

City Manager Mims stated one of his many concerns about SB 714 is that it caps the registration fee at \$50 and city staff is conservatively looking between a magistrate, a host compliance company, and other associated things involved with vacation rentals at a minimum of between \$150,000 and \$200,000 more a year to fund that program.

City Manager Mims stated if anyone has a problem with SB 714, he encouraged the public to contact Senator DiCeglie directly.

City Manager Mims stated, speaking from a city manager's perspective and balancing and proposing budgets, that kinds of arbitrary caps are made in Tallahassee when they have no clue what expenses cities go through that deal with enforcing regulations. SB 714 will completely undercut the cities by capping the registration fee at \$50. The other thing concerning is the mandated 15-day timeframe for applying for the license.

City Manager Mims reiterated to the public to contact Senator DiCeglie and ask him to pull SB 714 because it restricts the city's future ability to make its own rules and regulations on vacation rentals.

Mayor-Commissioner Kennedy stated prior to the next work session, she would like for the city commission to review: Section 18-217, Quiet Time Limitations, specifically subsections (1)(2) as there was a consensus to remove those subsections.

**(b) Quiet Hours Limitations:**

The following restrictions shall apply when a property or unit is in use as a vacation rental:

- ~~(1) **Occupant Access Limitation.** No persons other than the occupants who have rented the property from the owner may remain in or on the property between the quiet time hours of 10 p.m. and 7 a.m.~~
- ~~(2) **Outdoor Amenities.** No pool, spa, jacuzzi, or outdoor sport courts on the property of a vacation rental may be used by any guest or occupant between the quiet time hours of 10 p.m. and 7 a.m.~~
- (3) **Amplified Sound Restrictions.** Using or operating for any purpose any amplified sound between the hours of 10:00 p.m. and 7:00 a.m. of any day, not in a completely enclosed permanent structure is prohibited if it produces

or reproduces sound in such a manner as to annoy, disturb, injure, or endanger the comfort, repose, health, peace, or safety of a reasonable person of normal sensibilities or is in excess of the decibel levels set forth in section 26-36. This provision shall not apply to amplified sound for which a permit pursuant to subsection 26-33(b) has been issued by the city.

Mayor-Commissioner Kennedy asked the city commission to have a conversation with the city attorney privately concerning section 18-216(b), Vesting.

### **3. ADJOURNMENT.**

***MOTION MADE BY COMMISSIONER HOUSEBERG, SECONDED BY COMMISSIONER McCALL, TO ADJOURN THE MEETING AT 8:12 P.M. UNANIMOUS APPROVAL BY ACCLAMATION.***

May 9, 2023  
Date Approved

/DOR