

ORDINANCE NO. 2018-01

SHORT-TERM VACATION RENTALS

(as presented to the PZB on 2.15.2018)



THOMAS J. TRASK, B.C.S.*
JAY DAIGNEAULT
RANDY MORA
ERICA F. AUGELLO
JOHN E. SCHAEFER


* Board Certified by the Florida Bar in
City, County and Local Government Law

MEMORANDUM

DATE: May 3, 2016

TO: R.B. Johnson, Mayor/Commissioner
Terry Hamilton-Wollin, Vice-Mayor/Commissioner
Phil Hanna, Commissioner
Joanne "Cookie" Kennedy, Commissioner
Edward Hoofnagle, Commissioner

CC: Gregg Mims, City Manager

FROM: Randy Mora, City Attorney 

RE: Short Term Rental Regulations in the City of Indian Rocks Beach

Below is a memorandum analyzing the City of Indian Rocks Beach's (the "City's") ordinances regulating short term rentals, their enforceability, and potential courses of action available to the City to address this issue in the future.

I. EXECUTIVE SUMMARY

Local government regulation of short term rentals, especially in beach communities, has changed a great deal in the past five years. In 2011, the Florida Legislature (the "Legislature") first preempted local governments' ability to prohibit or restrict the use, classification or occupancy of short term rentals. Later, in 2014, the Legislature again amended the preemption statute, replacing the broader language from 2011 with a prohibition on local government regulation of the frequency or duration of short term rentals.

As a consequence of legislative action by the City following the Legislature's preemption of the matter, the City's existing restrictions on the operation, duration or frequency of short term rentals are presently unenforceable. If the City desires to regulate short term rentals in the future, it must do so in a manner that does not regulate their duration or frequency. Though the City is unable to prohibit short term rentals, there are alternative regulations the City may consider to address this issue.

The alternative and admittedly more difficult course of action would be for the City to advocate before the Legislature to repeal the preemption statute. This would restore local governments' home rule powers and allow them to address issues in their communities directly.

This remains a dynamic area of law throughout Florida, and any restrictions the City adopts may be met by a legal challenge.

II. BACKGROUND INFORMATION

A. HOME RULE AND PREEMPTION GENERALLY

A municipality has home rule powers to enact legislation on any subject upon which the Legislature may act, except, among other things, any subject that is expressly prohibited by the Constitution or *any subject that is expressly preempted to state or county government* by the Constitution or by general law.¹ In determining whether local laws and the actions of local government are in contravention of a state statute, courts look to whether the statute expressly preempts that area.²

B. LEGISLATIVE PREEMPTION RELATIVE TO SHORT TERM RENTALS

In 2011, the Florida Legislature passed House Bill 883 (“HB 883”) explicitly preempting the authority of local governments to pass a law, ordinance or regulation restricting the use of vacation rentals based solely on their **classification, use, or occupancy**.³ The Legislature restricted the preemptive effect of the statute to any law, ordinance, or regulation adopted on or after June 1, 2011.⁴

In 2014, the Legislature again amended Fla. Stat. § 509.032, this time through the passage of Senate Bill 356 (“SB 356”). SB 356 provides that local governments cannot “prohibit vacation rentals or regulate the **duration or frequency** of rental of vacation rentals.”⁵ The law also prevents local governments from adopting ordinances or regulations prohibiting vacation rentals, through zoning or otherwise.⁶ Even so, SB 356 returned some power to local governments by rescinding the preemption over the regulation of the classification, use or occupancy of short term rentals. SB 356 preserved the grandfathered status of municipal regulations adopted on or before June 1, 2011.⁷

A copy of the 2010, 2011, and 2014 versions of the Fla. Stat. § 509.032 (7) are attached here as **Composite Exhibit 1**.

¹ Fla. Stat. § 166.021

² Eisenberg v. City of Miami Beach, 1 F. Supp. 3d 1327, 1348 (S.D. Fla. 2014)

³ Fla. Stat. § 509.032 (7) (b) (2011)

⁴ Fla. Stat. § 509.032 (7) (b) (2011)

⁵ Fla. Stat. § 509.032 (7) (b) (2014)

⁶ Fla. Stat. § 509.032 (7) (b) (2014); see also Fla. Att’y Gen. Op. 2014-09

⁷ Fla. Stat. § 509.032 (7) (b) (2014)

C. LOCAL REGULATIONS

i. County Ordinances

Though the County has an ordinance regulating temporary lodging, that Ordinance does not preempt or otherwise supplement the City's regulation of short term rentals. On October 16, 2007, the County adopted ordinance 07-50, modifying ordinance 89-4.⁸ This Ordinance amended the Rules Concerning the Administration of the Countywide Future Land Use Plan, with several provisions concerning the classification of "temporary lodging."

The passage of this ordinance led to an extensive dialogue between the Pinellas Planning Council and the City, and ultimately the passage of broad changes to the City's regulation of transient or temporary lodging.

ii. City Ordinances Concerning Short Term Rentals

In 2010, the County recommended the City amend its code to align with the County's land use plan. This meant adopting definitions and regulations modifying the City's previous use of the "transient living accommodations" classification, to the "temporary lodging use" classification. The City began the process of incorporating these revisions in 2011.

On or about July 12, 2011, weeks after HB 883 took effect, the City adopted Ordinance 2011-03 (the "2011 Ordinance"), implementing these changes. A copy of the 2011 Ordinance is attached here as **Exhibit 2**. This modernization of the City's land development code included a change both to the name and substantive definition of these properties. Specifically, the City changed the definition to apply to properties offering, advertising or operating under a lease of less than one month, more than three times in a single year. The previous definition for "transient living accommodations" included leases for less than three months and was less detailed. The new definition for "temporary lodging use" was more restrictive. This amendment represented a substantive change to the classification and use of transient or temporary lodging within the City. This change invalidated any restrictions on short term rentals, following the Legislature's 2011 preemption of the matter.

On September 19, 2012, the City adopted Ordinance 2012-08 (the "2012 Ordinance"), further amending its restrictions regarding short term rentals. A copy of the 2012 Ordinance is attached here as **Exhibit 3**. The 2012 Ordinance included affirmative prohibitions on the classification, use and duration of short term rentals. Most notably, the 2012 Ordinance again amended the definition of a "temporary lodging use" and reverted back to a definition concerning occupancy of less than three months. These restrictions concerning the classification, use, and duration of short term rentals were invalid upon their adoption in 2012 or invalidated by the Legislature's 2014 amendments to Fla. Stat. § 509.032.

⁸ Pinellas County Ordinance 07-50 (2007)

As a result of the City's 2011 and 2012 Ordinances, the prohibitions and restrictions in the City's code are presently unenforceable.

III. RECENT LEGAL DEVELOPMENTS CONCERNING SHORT TERM RENTALS

A. FLAGLER COUNTY

In February 2015, Flagler County passed a robust ordinance attempting to regulate those elements of short term rentals that remain subject to local regulation (the "Flagler Ordinance").⁹ A copy of the Flagler Ordinance is attached here as **Exhibit 4**. Flagler County, fully aware of the Legislature's preemption of the matter, attempted to enact a series of creative regulations targeted at short term rentals and the common problems associated therewith without regulating duration and frequency. The "WHEREAS" clauses of the Flagler Ordinance, wherein the legislative body explains and justifies its action, span nearly ten pages by themselves. The Flagler Ordinance, for example, requires a short term rental certificate from the county, a business tax receipt, a Florida Department of Revenue certificate of registration, and a Florida Department of Business and Professional Business Regulation license. In addition to registration requirements the Flagler Ordinance goes on to include minimum requirements governing safety, occupancy, parking standards, solid waste management, and advertising for short term rental properties.

Two rental home companies in Flagler County sued seeking declaratory and injunctive relief from the Flagler Ordinance for its alleged derogation of the Legislature's preemption.¹⁰ In June 2015, the Flagler County Court ruled against the Plaintiff, allowing most of the restrictions in the Flagler Ordinance to remain in place. The ruling did find the Flagler Ordinance unconstitutional to the extent it applied to vacation rental contracts that pre-dated its effective date.

The Plaintiffs appealed the court's ruling to the Fifth District Court of Appeals.¹¹ The Fifth DCA affirmed the lower court's opinion on January 12, 2016. Within 24 hours of the Fifth DCA's order, the Flagler County Commission passed an amended version of the ordinance regulating vacation rentals.

B. CURRENT LEGAL LANDSCAPE

There is an ongoing effort to lobby the legislature to abandon or limit the scope of its preemption. In the most recent legislative session several legislators introduced bills attempting to broaden the power of local governments to regulate short term rentals. None of these bills were passed or signed into law.

The Flagler Ordinance and subsequent litigation are being used as a template for the viability of short term rental restrictions in the current statutory regime. Many other local governments have modeled their own ordinances after Flagler's. Indeed, another municipality in

⁹ Flagler County Ordinance 2015-02.

¹⁰ See 30 Cinnamon Beach Way, LLC, et al. v. Flagler County, Case No. 2015-CA-000167

¹¹ See 30 Cinnamon Beach Way, LLC, et al. v. Flagler County, Case No. 5D15-2296

Pinellas County recently incorporated registration requirements similar to those implemented in Flagler County.

Regardless of Flagler County's success, any effort to implement and enforce new restrictions is likely to be met with litigation. The same city in Pinellas County that adopted the registration restrictions has already been sued seeking a declaration that those restrictions are invalid.

IV. CONCLUSION

The City's current restrictions concerning short term rentals have been preempted by the Legislature, owing to passage of the City's 2011 and 2012 Ordinances.

The City's best legal remedy to this problem is in Tallahassee, not in its City Hall. The most effective solution would be for the City, and other similarly situated local governments to seek the legislative repeal of the preemption statute. Local governments need the ability to regulate the duration and frequency of these tenancies. Without the repeal of the preemption statute, local ordinances governing the attendant problems caused by short term rentals will only serve as a band-aide on a more chronic issue. As the elected representatives of your City, it is up to you to determine whether and how to best implement the changes your community needs.

Presently, the City cannot prohibit short term rentals, through zoning restrictions or otherwise. The City can still regulate short term rentals, but must do so in a manner that does not restrict their duration or frequency. If the City chooses to regulate or restrict short term rentals in any manner it should do so in a manner consistent with those restrictions it finds desirable from the Flagler Ordinance. It remains likely that whatever restrictions the City adopts, however meritorious or legitimate, are likely to be challenged in court.

--- REMAINDER OF PAGE INTENTIONALLY LEFT BLANK---

**CITY OF INDIAN ROCKS BEACH
ORDINANCE NO. 2018-01**

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF INDIAN ROCKS BEACH, FLORIDA, INCORPORATING RECITALS AS FINDINGS OF FACT; AMENDING CHAPTER 110 OF THE CITY'S LAND DEVELOPMENT REGULATIONS TO ADD ARTICLE IX - "SHORT TERM VACATION RENTALS; ADDING SECTION 110-840 ESTABLISHING APPLICABILITY; ADDING SECTION 110-841 ESTABLISHING DEFINITIONS; ADDING SECTION 110-842 ESTABLISHING MINIMUM REGISTRATION REQUIREMENTS FOR SHORT TERM VACATION RENTALS; ADDITION SECTION 110-843 ESTABLISHING MINIMUM LIFE SAFETY REQUIREMENTS AND AN INSPECTION REGIME; ADDING SECTION 110-844 ESTABLISHING THE REQUIREMENTS AND DUTIES OF DESIGNATED RESPONSIBLE PARTIES; ADDING SECTION 110-845 ESTABLISHING MINIMUM REQUIREMENTS FOR RENTAL USE AGREEMENTS; ADDING SECTION 110-846 CONCERNING REQUIRED POSTINGS ON SHORT TERM VACATION RENTALS; ADDING SECTION 110-847 ESTABLISHING VIOLATIONS; ADDING SECTION 110-848 ESTABLISHING THE REMEDIES, PENALTIES AND ENFORCEMENT MECHANISMS FOR VIOLATIONS OF THIS ARTICLE; PROVIDING FOR CODIFICATION AND REVISION OF SCRIVENER'S ERRORS; PROVIDING FOR FULL FORCE AND EFFECT OF ORDINANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING 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 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, 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 their corresponding fair and proportionate impact/connection fees; 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, short-term vacation rentals locating 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 multi-unit condominium short-term vacation rentals have on-site property managers and employees or other contracted vendors that oversee the maintenance, upkeep, security and/or operation of the property on a frequent basis, unlike those short term rentals operating in single family homes; and

WHEREAS, the majority of the complaints or issues the Town of Indian Rocks Beach encounters concerning the operation of short term rentals pertain to the single and two-family neighborhoods east of Gulf Boulevard; 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 of Indian Rocks Beach desires to encourage short-term vacation rentals that are safe, fit in with the character of the community, provide positive impacts for tourism, increase property values, and achieve greater neighborhood compatibility; and

WHEREAS, these regulations are deemed necessary by the City of Indian Rocks Beach Commission to preserve the City's aesthetic and property values while also protecting the health, safety and general welfare of permanent residents, lot/parcel owners, investors and transient occupants and visitors alike; and

WHEREAS, these regulations are being promulgated by the City of Indian Rocks Beach Commission to supplement, but not to replace, any existing federal or state law or regulation, or other controls within established residential neighborhoods served by a homeowner or condominium association; and

WHEREAS, these regulations do not regulate duration or frequency of rentals, but are intended to address the frequent change of many transient occupants housed within a dwelling within an established residential neighborhood; and

WHEREAS, the application of minimum life/safety requirements to short-term vacation rentals, along with other minimum standards and requirements concerning issues such as the designation of responsible parties ensures that transient occupants are provided with a similar level of protection as is required by the current statutes and codes for residences utilized as hotels, motels and other similar lodging establishments;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF INDIAN ROCKS BEACH, PINELLAS COUNTY, FLORIDA, that:

SECTION 1. RECITALS AND FINDINGS

- A. The above Recitals are incorporated herein as Findings of Fact.
- B. The City of Indian Rocks Beach Commission further finds as follows:
 - a. The proposed amendment will provide for the orderly development of the City of Indian Rock Beach and complies with applicable Comprehensive Plan goals, objectives and policies; and
 - b. The proposed amendment will serve to protect the health and safety of residents and transient visitors alike.

SECTION 2. That Part II, Code of Ordinances, Subpart B – Land Development Regulations, Chapter 110 – Zoning, is hereby amended by adding Article IX, to read as follows:

Article IX – Short Term Vacation Rentals

DIVISION 1 – GENERALLY

§ 110-840 – Applicability. This section shall apply to all structures used for the purposes of short term vacation rentals as permissible commercial businesses when operating within the single family (“S”), medium density (“RM 2”), and medium density duplex residential (“RM 1”) districts.

§ 110-841 - Definitions. The following terms as used on this Article are defined as set forth hereinafter:

Bedroom: The term “bedroom” shall have the same meaning as in § 381.0065 (2) (b), Florida Statutes. Throughout this chapter, the term “sleeping room” shall mean the same thing as a “bedroom.”

Designated Responsible Party: The Owner, or any person eighteen (18) years of age or older designated by the owner, tasked with responding to requests for inspections, complaints, and other problems relating to or emanating from the short-term vacation rental of the transient public lodging establishment. There shall only be one designated responsible party for each short-term vacation rental.

Owner: The term “owner,” shall mean the person or entity holding legal title to the short term vacation rental property, as reflected in the Pinellas County Tax Collector’s records.

Short-term vacation rental: A structure which is also a “transient public lodging establishment,” within the single family (“S”), medium density (“RM 2”), and medium density duplex residential (“RM 1”) districts. As used in this chapter, the term short term vacation rental shall mean the same thing as a “vacation rental.”

Transient occupants. Any person or guest or invitee of such person, who occupies or is in actual or apparent control or possession of residential property registered or used as a short term vacation rental. There shall be a rebuttable presumption that any person who holds themselves out as being an occupant or guest of an occupant of a short term vacation rental is a transient occupant, as defined here.

Transient public lodging establishment. A structure, which is rented to guests more than three (3) times in a calendar year for periods of less than thirty (30) days or more or one (1) calendar month, whichever is less, or which is advertised or held out to the public as a place rented to guests within the single family (“S”), medium density (“RM 2”), and medium density duplex residential (“RM 1”) districts. A “transient public lodging establishment” shall be considered a non-residential, commercial business, whether operated for profit or as a not for profit and be subject to the additional requirements of this chapter if the transient public lodging establishment is additionally considered to operate as short term vacation rental as defined herein.

DIVISION II - REQUIREMENTS

§ 110-842 – Short-Term Vacation Rental Minimum Requirements. Short term vacation rentals shall be permitted in all residential zoning districts provided they are in compliance with this section. No person shall rent or lease all or any portion of a dwelling unit as a short-term vacation rental, as defined in this Article, without initially and then on a continuing basis:

1. Obtaining a Florida Department of Revenue certificate of registration for purposes of collecting and remitting tourist development taxes, sales surtaxes, and transient rental taxes; and
2. Obtaining a Florida Department of Business and Professional Regulation license as a transient public lodging establishment.
3. After first securing a certificate from the Department of Revenue, and a license from the Florida Department of Business and Professional Regulation, an applicant may then obtain a business tax receipt from the City of Indian Rocks Beach pursuant to Chapter 58 of the City's Code of Ordinances;

§ 110-843 – Short-Term Vacation Rental Standards

1. Minimum life/safety requirements. All short term vacation rentals shall comply with all applicable safety requirements, including but not limited to the Residential Swimming Pool Safety Act, Florida's Building Code, and Florida's Fire Prevention Code.
2. Inspections
 - a. Inspection of a vacation rental to verify compliance with the City's Code of Ordinances and other applicable safety codes, which governed at the time of completion of the subject construction, may be required subsequent to registration with the City and annually after each renewal. If instances of noncompliance are found, all such instances of noncompliance shall be handled as other violations of the City's Code of Ordinances, Florida Building Code and Florida Fire and Life Safety Codes are otherwise handled in the City. These requirements will not be imposed so as to affect contracts that pre-exist the effective date of this chapter.
 - b. Annual inspections may be made by the City through appointment with the vacation rental owner or agent, as applicable. If a city inspector has made an appointment with vacation rental owner or agent, as applicable, for an inspection, and the city inspector is unable to complete the inspection as a result of an action or inaction of the vacation rental owner or agent, or an occupant of the vacation rental, the vacation rental owner shall be charged a "re-inspection" fee totaling \$75.00. The re-inspection fee shall be paid prior to scheduling the re-inspection. In addition, failure of a vacation rental owner or agent, as applicable, to make the vacation rental available for an inspection

within 20 days after notification by the city in writing that the city is ready to conduct an inspection, shall be a violation of this chapter punishable by a fine as provided for in section 1-15 of this Code. Such violation shall continue until the inspection is accomplished. Each day that such violation continues may be deemed a separate violation.

3. Parking Standards

There shall be one off-street parking space for each bedroom. Garage space shall count only if the space is open and available and the transient occupants are given vehicular access to the garage.

4. Other standards.

Any other standards contained in the City's Code of Ordinances and Land Development Code shall apply to short term vacation rentals as well. This shall include but not be limited to regulations concerning noise, setbacks, stormwater and other similar provisions.

§ 110-844 Responsible Party

1. Posted Contact Information. The name and phone number of the Designated Responsible Party, as defined in this Article, shall be posted on the front exterior of the dwelling in a place accessible to the public. The sign must be non-illuminated and be one square foot in size on each side. The sign's background color shall be white, and the font shall be in black Times New Roman or Arial font, and in no smaller than 48 point typeface. The Sign must be constructed of weather resistant wood or plastic.
2. Duties. The duties of the short term vacation rental responsible party, whether that person be the property owner or an agent thereof, are to:
 - a. be available at the posted landline or mobile telephone number twenty-four (24) hours a day, seven (7) days a week and capable of directly responding, or directing a designated agent to directly respond to and resolve any issues or concerns raised by City staff or law enforcement officials arising from the short-term vacation rental use;
 - b. be authorized to receive service of any legal notice on behalf of the owner of the property for violations of this section; and
 - c. Maintain a record of all rental/lease agreements for the short term vacation rental property.
 - d. Otherwise monitor the short-term vacation rental unit at least once a week to assure continued compliance with the requirements of this section.

§ 110-845 Short Term Vacation Rental/Lease Agreement Minimum Provisions.

1. There shall be a written lease, rental, tenant or other recorded usage agreement memorializing each tenancy in a vacation rental, between the owner of the short term vacation rental property and any lessees or tenants. These agreements shall contain, among other things, the tenant's agreement to the regulations contained in this Article.
2. The rental/lease agreement must contain the following information at a minimum:
 - a. The name and ages of all persons who will be occupying the unit.
 - b. The dates on which the renters or lessees will be occupying the unit.
 - c. A statement that all occupants must promptly evacuate the short term vacation rental upon posting of any evacuation order issued by state or local authorities.
 - d. The City reserves the right to request and receive a copy of any Lease Agreement for the short term vacation rental from the Owner or designated responsible party.

§ 110-846 Required Posting.

It shall be required that the following information be posted in a visually unobstructed area within each short term vacation rental unit:

1. The name and phone number of the designated short-term vacation rental responsible party required by this Article;
2. Notice that all occupants of short term vacation rental units must comply with Chapter 26 of the City's Code of Ordinances, governing noise, nuisances, litter and abandoned property;
3. The scheduled days of trash pickup and recycling; and
4. The location of the nearest hospital.

§ 110-847 Offenses/Violations.

1. Non-compliance with any provisions of this Article shall constitute a violation of this Article
2. Each day a violation exists shall constitute a separate and distinct violation.

§ 110-848 Remedies/Enforcement.

1. Violations of this Article shall be subject to penalties as part of a progressive enforcement program with the primary focus on compliance and compatibility with adjoining properties, versus penalties and legal actions. To accomplish a safe and effective short term vacation rental program it is key that short-term vacation rental designated responsible parties are responsive and responsible in the management of the property for compliance with this section. Any code enforcement activities will be pursued in accordance with Florida Statutes Chapter 162 and the City's Code of Ordinances.
2. Warnings. Warnings shall be issued to the owner of the property or their designated responsible party and include a correction/compliance period. Such warnings may include notice to other agencies for follow-up. Agencies that may be notified include but are not limited to the Department of Business and Professional Regulation, the Florida Department of Revenue, the Pinellas County Tax Collector, the Pinellas County Property Appraiser, or Florida's Fish and Wildlife Conservation Commission as applicable. Non-compliance with a correction/compliance period shall result in the issuance of a citation.
3. Fines. Fines per violation shall increase, on a graduated basis based on the recurrence of individual violations
 - a. The first (1st) offense shall result in a fine of \$150;
 - b. The second (2nd) offense shall result in a fine of \$300; and
 - c. The third (3rd) offense, and any further repeat violations, shall result in a fine of \$500.

The City may prosecute any code enforcement violations pursuant to its full and complete authority as set forth in Chapter 162 of Florida Statutes and its own Code of Ordinances. The City may also rely on an appropriate enforcing agency at the state or local level.

4. Additional Remedies. Nothing contained herein shall prevent the City from seeking all other available remedies which may include but not be limited to injunctive relief, liens, and other civil and criminal penalties as provided by law, as well as referral to other enforcing agencies.

SECTION 3. CODIFICATION AND SCRIVENER'S ERRORS

The provisions of this Ordinance shall be included and incorporated into the Code of Ordinances of the City of Indian Rocks Beach, Pinellas County, Florida, as additions and amendments thereto, and shall be appropriately renumbered or relettered to conform to the uniform numbering system of the Code. Scrivener's errors may be corrected as deemed necessary.

SECTION 4. FULL FORCE AND EFFECT OF EXISTING PROVISIONS

In all other respects, the provisions of the City's Code of Ordinances not hereby amended or modified shall remain in full force and effect.

SECTION 5. SEVERABILITY

If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any Court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION 6. EFFECTIVE DATE

This ordinance shall take effect immediately upon its passage.

PASSED ON FIRST READING on the ____ day of _____ 2018, by the City Commission of the City of Indian Rocks Beach

PUBLISHED this ____ day of _____ 2018, in the Tampa Bay Times newspaper

ADOPTED ON SECOND AND FINAL READING on the ____ day of _____ 2018, by the City Commission of the City of Indian Rocks Beach, Florida.

Mayor/Commissioner

ATTEST:

Deanne B. O'Reilly, MMC, City Clerk

Approved as to form and legal sufficiency:

Randy D. Mora, City Attorney