

**TUESDAY,  
JANUARY 24, 2023**

**CITY COMMISSION  
WORK SESSION**

**@ 5:00 PM**



# City of Indian Rocks Beach

1507 Bay Palm Boulevard, Indian Rocks Beach, Florida 33785  
[www.indian-rocks-beach.com](http://www.indian-rocks-beach.com)

Administrative  
727/595-2517  
727/596-4759 (Fax)

Library  
727/596-1822

Public Services  
727/595-6889  
727/593-5137 (Fax)

## AGENDA

### CITY OF INDIAN ROCKS BEACH CITY COMMISSION WORK SESSION

**TUESDAY, JANUARY 24, 2023 @ 5:00 P.M.**

**CITY COMMISSION CHAMBERS**

**1507 BAY PALM BOULEVARD**

**INDIAN ROCKS BEACH, FLORIDA 33785**

**(ZOOM participation information on Page 2)**

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#### CALL TO ORDER PLEDGE OF ALLEGIANCE ROLL CALL

1. **STAFF INTRODUCTION OF SHORT-TERM RENTAL POLICY WORK SESSION AND TEMPLATE.**
2. **CITY COMMISSION'S COMPLETE CHRONOLOGICAL REVIEW OF TEMPLATE, providing consensus on individual policy elements and any acceptance, rejection, additions, deletions, or modifications thereto.**
3. **PUBLIC COMMENT.**
4. **ADJOURNMENT.**

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**APPEALS:** Any person who decides to appeal any decision made, with respect to any matter considered at such hearing, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based, per s. 286.0105, F.S. Verbatim transcripts are not furnished by the City of Indian Rocks Beach and should one be desired, arrangements should be made in advance by the interested party (i.e. Court Reporter).

In accordance with the Americans with Disability Act and s. 286.26, F.S., any person with a disability requiring reasonable accommodation in order to participate in this meeting should contact the City Clerk's Office with your request, telephone 727/595-2517 or [doreilly@irbcity.com](mailto:doreilly@irbcity.com), no later than five (5) business days prior to the proceeding for assistance.

POSTED: January 20, 2023

**JOIN ZOOM MEETING**

<https://us06web.zoom.us/j/2156370712?pwd=Q3Bhb2FoVEhMN0ZTV0pFeXJQc2xQZz09>

Meeting ID: 215 637 0712

Passcode: STVR

One tap mobile

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Dial by your location

+1 305 224 1968 US

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+1 929 205 6099 US (New York)

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+1 309 205 3325 US

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+1 719 359 4580 US

+1 253 205 0468 US

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 360 209 5623 US

+1 386 347 5053 US

+1 507 473 4847 US

+1 564 217 2000 US

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+1 669 900 6833 US (San Jose)

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Meeting ID: 215 637 0712

Passcode: 640922

Find your local number: <https://us06web.zoom.us/j/ks3MRRwKr>

**NEXT REGULAR CITY COMMISSION MEETING  
FEBRUARY 14, 2023 @ 7:00 P.M.**

**AGENDA ITEM NO. 1**

**STAFF INTRODUCTION OF SHORT-  
TERM RENTAL POLICY WORK  
SESSION AND TEMPLATE**



THOMAS J. TRASK, B.C.S.\*  
JAY DAIGNEAULT, B.C.S.\*  
ERICA F. AUGELLO, B.C.S.\*  
RANDY D. MORA, B.C.S.\*  
ROBERT M. ESCHENFELDER, B.C.S.\*  
NANCY MEYER, B.C.S.\*  
JEREMY SIMON  
MEGAN HAMISEVICZ

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

## MEMORANDUM

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To: Mayor Joanne “Cookie” Kennedy  
Vice Mayor Denise Houseberg  
Commissioner Joe McCall  
Commissioner Jude Bond  
Commissioner Phil Hanna

CC: Gregg Mims, City Manager

FROM: Randy D. Mora, Esq., B.C.S., City of Indian Rocks Beach Attorney

DATE: January 18, 2023

RE: Short Term Rental Policy Workshop

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The City Commission has scheduled a work session for Tuesday, January 24, 2023, concerning the regulation of short-term vacation rentals in the City of Indian Rocks Beach (the “Work Session”).

In May 2016, as the City Attorney, I provided the City Commission a memorandum analyzing the enforceability of the City’s short term rental restrictions in relationship to legislative preemptions set forth in Fla. Stat. § 509.032 (7). After holding a series of hearings between November 2017 and September 2018, the City adopted Ordinance 2018-01, establishing short term rental regulations applicable in the single family (“S”), medium density (“RM 2”), and medium density duplex residential (“RM 1”) districts. At the conclusion of a workshop on November 15, 2022, the City Commission requested guidance on its current regulatory options relating to short term rentals.

Since the May 2016 Memorandum and the City’s subsequent September 2018 legislative enactment, the Legislature has not substantively amended Fla. Stat. § 509.032 (7)(b). In 2014, the Florida Legislature preempted the City’s ability to adopt any law, ordinance, or regulation that: (i) prohibits vacation rentals; (ii) regulates the duration of vacation rentals; or (iii) regulates the frequency of short-term rentals. Otherwise, the City possesses the home rule power to regulate the operation of short-term rentals in its corporate boundaries, and attendant issues related to the short-term rental industry. Any regulations or ordinances the Commission adopts in this regard remain subject to applicable constitutional, statutory and administrative principles and provisions.

For purposes of the January 2023 Commission Work Session, this memorandum is accompanied by an ordinance template designed to facilitate the Commission's dialogue and policy determinations (the "Template"). The Commission, as the City's policymaking body, is free to accept, reject, add to, subtract from, or otherwise modify any of the individual elements of the Template. The attached document does not bind the Commission or its authority, but instead is designed to facilitate a substantive and efficient dialogue on this matter.

Owing to the restrictions of Florida Statute § 286.011, *et seq.* (Florida's Sunshine Law), the City's Commissioners are only able to collectively discuss and develop policy in an open and noticed public meeting. The City Commission has received significant public feedback over the course of at least the past five months, including a workshop, public comment at the City Commission's regularly-scheduled meetings, and various e-mails or written submissions. City staff now seeks the Commission's input on what policy, if any, it wishes to adopt in response to the Commissioners' research, receipt of public feedback, reflection, and consequent conclusions.

Against this backdrop, it is recommended that the Work Session substantively proceed as follows:

- Call to order;
- Staff introduction of Work Session and Template;
- Commission's complete chronological review of Template, providing consensus on individual policy elements and any acceptance, rejection, additions, deletions, or modifications thereto;
- Public comment; and
- Adjournment.

This procedure is proposed to ensure the Work Session concludes with the Commission's provision of clear policy direction so that staff may prepare a proposed ordinance for consideration, to be discussed, amended as appropriate, and eventually enacted during further public hearings.

Respectfully submitted,

/s/ Randy D. Mora, Esq., B.C.S.

**AGENDA ITEM NO. 2**

**CITY COMMISSION'S COMPLETE  
CHRONOLOGY REVIEW OF  
TEMPLATE**

ORDINANCE NO. 2023-XX

AN ORDINANCE OF THE CITY OF INDIAN ROCKS BEACH BEACH, FLORIDA, CREATING A NEW ARTICLE [INSERT CHAPTER NUMBER] TO ESTABLISH A COMPREHENSIVE REGULATORY SCHEME REGARDING THE MARKETING AND OPERATION OF SHORT-TERM RENTALS WITHIN THE CITY; CREATING CONDUCT AND REPORTING REQUIREMENTS FOR HOSTING PLATFORMS, OWNERS AND OWNER AGENTS, AND GUESTS; CREATING AN APPLICATION AND ENFORCEMENT PROCESS; PROVIDING FOR PENALTIES FOR VIOLATION; CREATING RELATED DEFINITIONS; MAKING RELATED FINDINGS; PROVIDING FOR CODIFICATION, SEVERABILITY, AND FOR AN EFFECTIVE DATE.

[INSERT WHEREAS CLAUSES]

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

Section 1. A new Article of the City of Indian Rocks Beach Code is hereby created as follows:

**ARTICLE XXX. – SHORT TERM RENTAL REGULATIONS**

**DIVISION XXX. GENERAL PROVISIONS**

**Sec. XX-XXX. – Definitions.**

The following terms as used in this chapter 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, 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, such room shall not be deemed a bedroom.

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.

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 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.

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 the natural person 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 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.

**Sec. XX-XXX. – Scope**

(a) This article shall apply to vacation rentals within each of the City’s zoning districts.

[Any districts to be exempted]

**Sec. XX-XXX. – Enforcement.**

(a) 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 of the vacation rental’s ability to operate under the conditions set forth in this article.

(b) Nothing herein shall prevent the city from seeking all other available remedies which may include, but shall not be limited to, suspension of a certificate of registration, injunctive relief, liens and other civil and criminal penalties as provided by law as well as referral to other enforcing agencies.

[Commission input requested regarding specifics of rental suspension (triggering event mechanism, suspension periods, appellate process (due process), reinstatement process]

**Ref: City of Marathon**

A property with XXXX (X) violations of this article in any XXXX (X) month period shall have its vacation rental property license suspended for a period of X months. An owner may petition the City Council for reinstatement. The City Council shall consider the violations leading to the suspension before reinstatement.

A property which has had its Vacation Rental Property License suspended in the previous XXXX (X) years and receives XXXX (X) violations in any XXXX (X) month period shall have its Vacation Rental Property License revoked.

Any Vacation Rental Agent who receives XXXX (X) violations within any XXXX (X) month period shall pay double the annual registration fee in the ensuing registration year. In the event of XXXX (X) violations under this article within any XXXX (X) month period, the vacation rental agent shall have their vacation rental agent license suspended for no less than XXXX (X) months.

Any rental activity or advertisement of a property with a suspended or revoked vacation rental property license by a vacation rental licensee or vacation rental agent shall result in the immediate revocation of the property's vacation rental property license and/or the vacation rental agent's license for a period of no less than XXXX (X) months.

Failure to pay any fine imposed on a vacation rental licensee or vacation rental agent as a result of a citation or determination of violation by the Code Compliance Board shall result in the suspension of the vacation rental property license or vacation rental agent license until such time as the fine is paid.

Any property owner of a property which has had its vacation rental property license revoked shall not be issued a vacation rental property license in the event that the property owner transfers or otherwise conveys his/her/its interest to another entity in which the property owner has any financial or ownership interest.

**Sec. XX-XXX. – Appeals.**

Any decision of the special magistrate finding a violation of this article may be appealed as provided for in § 2-280 of the code.

**DIVISION X. VACATION RENTAL REGISTRATION**

**Sec. XX-XXX. – Registration required.**

As of [April 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 [March 15, 2023]. Prior to the issuance of a vacation rental registration, the 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. 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. XX-XXX. – Vacation rental registration fee. [In ordinance v. separate resolution]**

(a) All fees to be charged under the provisions of this chapter shall be set out in this section. Such fees are as follows:

- (1) Application fee for an initial certificate of registration in accordance with section XX-XXX: [e.g. \$200 - \$500 - Commission input requested]
- (2) Application fee for a renewed certificate of registration subsequent to the initial application: [Commission input requested]
- (3) Application fee for a an amended certificate of registration: [e.g. \$50 - \$75 - Commission input requested]
- (4) Reinspection fees.
  - a. First reinspection - [Commission input requested]
  - b. Second and third reinspection - [Commission input requested]
- (5) Inspection fee upon change of ownership: [Commission input requested]

**Sec. XX-XXX. – Vacation rental registration.**

- (a) 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.
- (b) A registration application must be submitted by 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) A registration application shall, at a minimum, include the following:
- (1) Address of the vacation rental property being registered, 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;
  - (3) Name, address, e-mail, and emergency contact phone number of responsible person for the vacation rental, which shall be a twenty-four (24) hour, seven (7) days a week contact number;
  - (4) The vacation rental's current and active license 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 article III of chapter 20 of the code;
  - (7) Statement attesting to the number of bedrooms and paved off-street parking spaces available on the property with affirmation that the parking plan submitted by the owner will be followed by the owner's guests [subject to any parking restrictions established by City Commission];
  - (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 plan shall depict and identify the outer boundaries of the property, and all structures, docks, sheds, paved parking areas, pools, spas, hot tubs, and fencing. For purposes of the plan, off-street parking spaces allowed by the code to be used for parking shall be delineated so as to enable a fixed count of the number of spaces provided. [subject to any parking restrictions established by City Commission];

- (9) Interior structural plan by floor. An interior structural plan of the vacation rental structure by floor, drawn to scale, shall be provided. 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 by 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 the owner, or owner's authorized agent, acknowledging and agreeing to initial and ongoing compliance with this article and all other city codes and federal, state and county laws which are applicable to the owner's ownership, maintenance, repair, modification, and use of the vacation rental property;
  - (11) An application must provide the phone number associated with the landline telephone required by § ~~XX-XXX~~;
  - (12) 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;
  - (13) A narrative parking plan [subject to any parking restrictions established by City Commission], and outlining where vehicles will be parked and how guests will be made aware of the parking rules, including the prohibition against guests parking off-site;
  - (14) A copy of the 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
  - (15) A statement attesting that the owner has made all structural revisions to the vacation rental property, and all operational policies have been adopted to ensure compliance with the Americans with Disabilities Act's requirements for places of public accommodation.
  - (16) A narrative statement setting forth how the owner will ensure each guest is provided a copy of, and make 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) Forms must be fully completed, incomplete applications will not be processed. 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. 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 [Special Magistrate City Commission]. The appeal must set forth the specific factual and legal reasons supporting the applicant's appeal.

**Sec. XX-XXX. – Modification/change of ownership of vacation rental registration.**

(a) 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 [if so required by City commission].

(2) An amendment to the owner’s conduct rules to be followed by guests.

(3) A change in the designated responsible person.

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) 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.

**Sec. XX-XXX. – 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.

**Sec. XX-XXX. – Renewal of vacation rental registration.**

A vacation rental owner must renew its registration annually prior to the expiration date of the previous vacation rental registration and is subject to an annual inspection and applicable fees.

**Sec. XX-XXX. – Inspection of vacation rentals.**

(a) 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 phone line and fire extinguishers 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) If instances of noncompliance are found, all such instances of noncompliance shall be handled either as violations of the Florida Building, Fire, or Life Safety Codes are otherwise handled by the city and its officials under state law and city code or, if the violation is not related to a code under the jurisdiction of the building official, it shall be referred to code enforcement and handled as a code violation.

(c) 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. The 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.

**Sec. XX-XXX. – 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-day period and any existing approved registration will expire on the thirty-first day from the date title changes.

**Sec. XX-XXX. – 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. XX-XXX. – 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 license issued pursuant to such application, in addition to the prosecution of any related code enforcement violations.

**Sec. XX-XXX. – Advertising.**

(a) No vacation rental may be advertised or used as an event venue for gatherings such as weddings [Reconcile with City temporary use permit rules], corporate retreats, film productions.

- (b) 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 certificate of registration for the vacation rental, specifically including, but not limited to, maximum occupancy and display the City of Indian Rocks Beach Vacation Rental Certificate of 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) 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 XX-XX. The vacation rental certificate number 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.

**Sec. XX-XXX. – Duties of vacation rental owner and responsible person.**

- (a) Every vacation rental owner, or responsible person if one is designated, shall be available by phone at the listed phone number twenty-four (24) hours a day, seven (7) days a week, including holidays, to respond to contact by the sheriff's department, fire department, or other emergency personnel, or by any other regulatory personnel of the city. Failure of the vacation rental owner or responsible person to comply with this requirement shall be a violation of this article.
- (b) Responsible person. If a vacation rental owner does not directly manage the registered vacation rental property owned by the owner, the owner shall designate a responsible person.
- (1) The responsible person shall 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. 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.
- (2) An owner may change his/her/its designation of a responsible person temporarily, up to thirty (30) cumulative days during any consecutive twelve (12) month period, or permanently; however, there shall only be one designated responsible person for each vacation rental property at any given time.
- (3) It shall be the sole responsibility of the property owner to appoint a reliable responsible person and to inform the manager of his or her correct mailing address. Failure to do so shall not be a defense to a violation of this section. Service of notice on the responsible



person shall be deemed service of notice on the property owner, guest, occupant and violator.

- (c) The vacation rental owner or responsible person shall obtain a copy of the photo identification of each vacation rental occupant who is 18 years of age or older prior to check-in, and shall maintain those records for a period of two years from the date of check-in and make such record available to the city upon request. [Commission input requested.]
- (d) The owner or responsible person shall provide the city and post in a conspicuous place in the premises, 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.
- (e) 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. [Commission input requested.]
- (f) An owner may change his or her designation of a responsible person; however, there shall only be one (1) responsible person for each vacation rental property at any given time. 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 subsection 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.
- (g) It shall be the sole responsibility of the property owner to appoint a reliable responsible person and to inform the responsible person of his or her correct mailing address. Failure to do so shall not be a defense to a violation of this section. No property owner shall designate as a responsible person any person who does not expressly comply with the provisions of this section. The property owner and the responsible person shall jointly and severally be deemed to be the "violation" 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.

[Commission input requested on any other requirements.]

**DIVISION X. STANDARDS AND REQUIREMENTS FOR VACATION RENTALS**

**Sec. XX-XXX. – Generally.**

The standards and requirements set forth in this article shall apply to the rental, use, and occupancy of vacation rentals in the city.

**Sec. XX-XXX. – Maximum occupancy based on site capacity/limitations.**

[ Commission Input Requested ]

(a) **Occupancy Restriction.** The maximum occupancy of a vacation rental shall be stated in the vacation rental registration form, and shall be limited to:

- Reference: Anna Maria:** *A total of eight occupants per vacation rental. In the event there is more than one building or dwelling on one platted lot, the maximum occupancy shall be capped at eight occupants per lot or structure, whichever is less.*
- Reference: Flagler County:** *Two (2) persons per sleeping room, meeting the requirements for a sleeping room, plus two (2) additional persons that may sleep in a common area. **\*\***(in certain districts, occupancy is capped at 10 persons, and in others it is capped at 16)\*\**
- Reference: Holmes Beach:** *The maximum overnight occupancy of a vacation rental unit shall not exceed six (6) persons or two persons per bedroom, whichever is greater.*
- Reference: Indian Harbour Beach:** *The maximum occupancy of a vacation rental shall be limited to two (2) occupants (as defined herein) per bedroom (as defined herein) plus two (2) occupants with a maximum capacity of twelve (12) persons.*
- Reference: Marathon County:** *The occupancy of an individual dwelling shall conform to the occupancy limits of the Florida Fire Prevention Code and the Florida Building Code. Notwithstanding the foregoing, total occupancy in all cases shall be subject to the following:*
  - a. The maximum overnight tenant occupancy load of any vacation rental unit shall not exceed two (2) persons for each bedroom in the vacation rental unit, plus two (2) persons.*
  - b. Before the hours of 7:00 a.m. or dawn, whichever is earlier, and after 10:00 p.m., the occupancy load of the vacation rental may not exceed the maximum allowed number of overnight tenants.*
  - c. The City may grant additional occupancy limits, upon the application by the property owner, if the City determines that the vacation rental unit is on a lot greater than one-half (½) acre in area, has sufficient parking to accommodate a greater number of tenants than prescribed by this article, greater occupancy limits will not have an adverse impact on traffic, and that the additional occupancy would not cause a threat to fire safety. In no event shall the occupancy limit exceed the occupancy limits of the Florida Fire Prevention Code and the Florida Building Code.*

- *Reference: Redington Beach.* two (2) occupants (as defined herein) per bedroom (as defined in this article), but with a maximum capacity of eight (8) persons.
  - *Reference: Sarasota.* Maximum occupancy for vacation rentals in residential single-family zone districts shall be two (2) persons per bedroom, plus two (2) additional persons per property or ten (10) persons, whichever is less. Children under six (6) years of age shall not be included in the calculation of maximum occupancy. Maximum occupancy for vacation rentals in residential multiple-family zone districts shall be two (2) persons per bedroom, plus two (2) additional persons per property or twelve (12) persons, whichever is less. Children under six (6) years of age shall not be included in the calculation of maximum occupancy.
- (b) **Phased in Occupancy Uses** (*Reference: Anna Maria & Sarasota*). Notwithstanding the above, a vacation rental that was lawfully used as a vacation rental [prior to the effective date], 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 certificate of registration process. [omission input requested]
- (1) The maximum occupancy for vacation rentals lawfully in existence on [prior to the effective date] shall temporarily be capped at no more than number (##) provided that all the requirements to obtain a certificate of registration in accordance with this code are satisfied and a certificate of registration is issued. This maximum occupancy limit shall remain in effect from effective date through March 1, 2025. [omission input requested]
  - (2) The maximum occupancy for vacation rentals lawfully in existence on [prior to effective date] shall be reduced from number (##) to established restricted number) for the one-year period commencing date through date provided that all requirements to obtain a certificate of registration in accordance with this code are satisfied and a certificate of registration is issued.
  - (3) After [set period], the maximum occupancy for all vacation rentals shall be as provided in [established restriction]
  - (4) The maximum occupancy limitations set forth above shall not apply in the event two (2) or more adjudicated violations of this chapter, another provision of the City Code or the city zoning code occur at the vacation rental and shall terminate in the event the vacation rental is sold or title to the vacation rental is otherwise transferred.
- (c) **Owner-Occupied Exception.** The maximum occupancy restriction as set forth above shall not apply when the property is owner-occupied by the vacation rental owner, if the owner is a natural person. [omission input requested]

**Sec. XX-XXX. – Minimum safety and operational requirements and limitations.**

- (a) 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.
- (b) Each vacation rental shall install, maintain and have ready for guest use at least one working landline telephone with the ability to call 911. [REDACTED] This telephone shall be located in the common area on the first occupied floor of the vacation rental. The landline telephone number shall be registered at all times with Pinellas County Emergency Management for the purpose of receiving emergency alerts for items including, but not limited to, mandatory evacuations for hurricanes and requests to limit utility usage. Additionally, the landline telephone number shall be registered at all times with the Pinellas County utilities department for the purposes of receiving boil water alerts.
- (c) Each vacation rental shall post a copy of the city’s rules required by § XX-XXX either on the interior of the front door of the vacation rental, or on a wall within five feet of the front door. The rules 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. If the city publishes rules applicable to vacation rentals on the city’s website, the posted rules must, at a minimum, contain those rules.
- (d) Since vacation rentals are places of public accommodation, all vacation rentals shall be structurally modified in such a manner as to be compliant with the applicable provisions of the Americans with Disabilities Act and the Florida Accessibility Code. Owners shall ensure their operational policies and hosting platforms comply with the requirements of the Americans with Disabilities Act.
- (e) Each vacation rental shall post a copy of the owner’s conduct rules required by § XX-XXX either on the interior of the front door of the vacation rental, or on a wall within five feet of the front door. The rules 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.
- (f) Each vacation rental shall post the occupancy capacity limit for the vacation rental. The occupancy capacity limit for the vacation rental shall be posted either on the interior of the front door of the vacation rental, or on a wall within five feet of the front door. The occupancy capacity limit 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 20-point.
- (g) Each vacation rental shall post the name, email and phone number of the owner or designated responsible person. This information shall be posted either on the interior of the front door of the vacation rental, or on a wall within five feet of the front door, 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.

- (h) 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. [commission input requested, re. § 26-37]
- (i) No pool, spa, jacuzzi, or outdoor sport courts on the property of a vacation rental may be used by any person between the quiet time hours of 10 p.m. and 7 a.m. [commission input requested]
- (j) Amplified music or other sound, including amplified spoken voices, is strictly prohibited from being played at any time on the property of a vacation rental, except where such amplified music or sound is played within the residential structure, over speakers located only within and not on the exterior of the residential structure, and where the windows and doors of the vacation rental are closed.

**Sec. XX-XXX. – Parking, solid waste disposal, legal compliance, evacuations, miscellaneous provisions.**

(a) [subject to any parking restrictions to be established by City Commission].

- Reference: Anna Maria:* The maximum number of vehicles that will be allowed to park at the vacation rental. Such number of vehicles shall not exceed the number of parking spaces located at the vacation rental as shown in the sketch submitted with the vacation rental registration, plus any other legal parking spaces that the vacation rental owner can show are available to the vacation rental.
- Reference: Flagler County:* Parking standard. Based on the maximum short-term transient occupancy permitted, minimum off-street parking shall be provided as one (1) space per three (3) transient occupants. Garage spaces shall count if the space is open and available and the transient occupants are given vehicular access to the garage. On-street parking shall not be permitted.
- Reference: Holmes Beach:* All vacation rental units within the city are required to provide one on-site parking space per bedroom.
- Reference: Indian Harbour Beach:* All vehicles associated with the vacation rental, including visitors not residing at the vacation rental, must be parked in compliance with the City of Indian Harbour Beach Code of Ordinances. All vehicles associated with the vacation rental must be parked within a driveway located on the subject property. There shall be no sidewalk, on street, right-of-way, or grass parking. Parking shall be paved and shall not be located off the vacation rental property, including common areas.
- Reference: Marathon:* The owner shall provide off-street parking on property owned or lawfully leased by the owner of the property or the occupants for all vehicles, watercraft and trailers to be used by the tenants during any occupancy. The watercraft may be moored at either an existing on-site docking facility or stored on a trailer in an approved parking space. Vehicles, watercraft, and trailers may be parked on the right-of-way within the limits of the vacation rental unit property lines if it is the common practice of those on the street where the vacation rental is located, and the placement of the vehicle, watercraft, or trailers would not impede the normal and safe flow of traffic on the street.
- Reference Redington Beach:* All vehicles associated with the vacation rental, including the vehicles of temporary visitors present between the hours of 7 a.m. and 9 p.m., must be parked in compliance with the town's parking regulations and must be parked within the legal boundaries of the property and on a paved or bricked parking surface depicted in the registration application's parking diagram. Vehicles associated with the vacation rental are strictly prohibited from parking in any other manner or location within the town, including on any town sidewalk, street, right-of-way, swale, or grass parking. Recreational vehicles (RVs), boats, jet skis and similar watercraft, campers, and trailers may not be parked at vacation rentals. Commercial motor vehicles, as defined in § 21-1 may not be parked at vacation rentals.
- Reference: Sarasota:* All vehicles associated with the vacation rental shall be parked within a driveway or parking area located on the premises and in compliance with all applicable city ordinances.

- (b) Solid waste disposal (household garbage, recycling, and yard trash) created at vacation rentals shall be stored and put out for pick up in compliance § [insert cross reference] of the code, and on the day(s) of the week set out in the city's solid waste franchise agreement.
- (c) 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) 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) [Reconcile with City temporary use permit rules] Neither a vacation rental property, nor a person renting or occupying a vacation rental, shall be eligible for a special event permit to be conducted on the vacation rental property.
- (f) 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 § XX-X of the code, are not temporary storage containers.
- (g) No accessory structure, vehicle, recreational vehicle, trailer, camper, or similar apparatus shall be utilized or rented as a vacation rental.

**Sec. XX-XXX. Residential amenities rentals prohibited.**

- (a) The owner or the tenant or authorized agent of an owner of a single-family dwelling, duplex, duplex townhouse, or townhouse (as those terms are defined in § XX-X of this code) 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, putting greens, sports courts, gardens, gazebos, 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 § XX-X 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.

- (d) Notwithstanding the prohibition in subsection (a), an owner may rent or lease the owner's boat slip or boat lift where such rental is for a minimum of thirty consecutive days.

**Sec. XX-XXX. – Additional required local information provided in a vacation rental.**

- (a) In addition to the information required to be posted in each vacation rental pursuant to § XX-XXX, 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 landline telephone phone number 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. [Commission input requested]
- (4) The days and times of trash and recycling pickup.
- (5) Phone number and address of HCA Florida Largo Hospital, HCA Florida St. Petersburg 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 Rescue District.
- (7) Emergency evacuation instructions and 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.
- (9) 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. [Commission input requested] established in this article, and a statement that all occupants are prohibited from playing amplified music or sound outside of the vacation rental structure, and from making excessive or boisterous noise in or on the vacation rental property, at all times.
- (10) 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").

**Sec. XX-XXX. – Minimum life/safety requirements. [to check against PSFRD Requirements]**

- (a) Swimming pool, spa, and hot tub safety. A swimming pool, spa, or hot tub shall comply with the current 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 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) Fire extinguisher. Each vacation rental shall install and maintain a working AFFF (aqueous film-forming foam) or FFFP (film-forming fluoroprotein) fire extinguisher rated for use on both Class A and Class B fires on each floor. 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.
- (d) Battery powered emergency lighting. Battery powered emergency lighting, which illuminates automatically for at least one (1) hour when electricity is interrupted, is required at each building exit.

### **DIVISION X. EXEMPTIONS**

#### **Sec. XX-XXX. – 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 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 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 chapter; 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 city’s special 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. XX-XXX. – Exemption for owner occupied vacation rentals.** [ COMMISSIONER, PINELLAS COUNTY ]

The provisions of this article shall not apply to owner occupied vacation rentals or property which is homestead under the Florida Constitution and Florida law from forced sale under any process of law. 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 one or both 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.

or

( ) 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”

**Section 2.** For purposes of codification of any existing section of the City of Indian Rocks Beach’s Code herein amended, words **underlined** represent additions to original text, words **stricken** are deletions from the original text, and words neither underlined nor stricken remain unchanged.

**Section 3.** If any section, subsection, sentence, clause, provision or word of this Ordinance is held unconstitutional or otherwise legally invalid, same shall be severable and the remainder of this Ordinance shall not be affected by such invalidity, such that any remainder of the Ordinance shall withstand any severed provision, as the Board of Commissioners would have adopted the Ordinance and its regulatory scheme even absent the invalid part.

**Section 4.** The Codifier shall codify the substantive amendments to the City of Indian Rocks Beach’s Code contained in Section 1 of this Ordinance as provided for therein, and shall not codify the exordial clauses nor any other sections not designated for codification.

**Section 5.** Pursuant to Florida Statutes § 166.041 (4), this Ordinance shall take effect immediately upon adoption.

**ADOPTED ON FIRST READING** on the **XX** day of \_\_\_\_\_, 2023, by the City Commission of the City of Indian Rocks Beach, Florida.

**ADOPTED ON SECOND AND FINAL READING** on the **XX** day of \_\_\_\_\_, 2023, by City Commission of the City of Indian Rocks Beach, Florida.

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Joanne Moston “Cookie” Kennedy  
Mayor-Commissioner

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Deanne Bulino O’Reilly  
City Clerk

**AGENDA ITEM NO. 3**

**PUBLIC COMMENTS**

**AGENDA ITEM NO. 4**

**ADJOURNMENT**