

**TUESDAY,
NOVEMBER 15, 2022**

**SPECIAL
CITY COMMISSION MEETING**

@ 6:00 PM



City of Indian Rocks Beach

1507 Bay Palm Boulevard, Indian Rocks Beach, Florida 33785

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
SPECIAL CITY COMMISSION MEETING
TUESDAY, NOVEMBER 15, 2022 @ 6:00 P.M.
CITY COMMISSION CHAMBERS
1507 BAY PALM BOULEVARD
INDIAN ROCKS BEACH, FLORIDA 33785

CALL TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL

1. **DISCUSS AND REVIEW** Short-Term Vacation Rentals in Indian Rocks Beach and Ordinance No. 2018-01.
 2. **ADJOURNMENT.**
-

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, no later than five (5) business days prior to the proceeding for assistance.

POSTED: November 3, 2022

NEXT REGULAR CITY COMMISSION MEETING
DECEMBER 13, 2022 @ 7:00 P.M.

AGENDA ITEM NO. 1A

DISCUSS AND REVIEW Short-Term Vacation Rentals in Indian Rocks Beach and Ordinance No. 2018-01.



**INDIAN ROCKS BEACH
SHORT-TERM RENTALS
BACKGROUND INFORMATION
& SURVEY DATA**

INDIAN ROCKS BEACH CITY COMMISSION AGENDA MEMORANDUM

MEETING OF: November 15, 2022

AGENDA ITEM: 1

SUBMITTED BY: Brently Gregg Mims, City Manager

SUBJECT: Short Term Rentals Background Information & Survey Data

BACKGROUND:

In 2011, the Florida Legislature preempted local government's ability to prohibit or restrict the use, classification or occupancy of short-term rentals. Later, in 2014, the Legislature amended the preemption statute, replacing the broader language from 2011 with the prohibition on local governments regulation of frequency or duration of short-term rentals. In 2011 & 2012 the City of Indian Rocks Beach City Commission amended the Land Development Code as it relates to Short Term Rentals. Based on the laws adopted by the Legislature in 2011 & 2014 and the actions of the IRB City Commission it was determined by the City Attorney that the short-term rental prohibitions and restrictions in the IRB Land Development Code were unenforceable.

The purpose of this meeting is to discuss Short Term Rentals and all current City of IRB ordinances that regulate them. To ensure that the Commission and the public is provided with necessary information the following attachments are provided:

- | | |
|----------------|---|
| Attachment #1 | Indian Rocks Beach City Attorney, Randy Mora: Short-Term Rental Regulation Memo 2016 |
| Attachment #2 | Indian Rocks Beach Fee-Schedule 58-49 |
| Attachment #3 | Business Tax Fee Survey for Municipalities in Pinellas County & Short-Term Rental Fees from Other Municipalities in Florida |
| Attachment #4 | Indian Rocks Beach Examples of Communications & Other Efforts |
| Attachment #5 | Indian Rocks Beach Letters to Governor Desantis & Other Legislative Officials |
| Attachment #6 | Indian Rocks Beach City Commission Work Session, November 14, 2017 |
| Attachment #7 | Indian Rocks Beach Regular City Commission Meeting, January 9, 2018 |
| Attachment #8 | Indian Rocks Beach City Commission Work Session, April 10, 2018 |
| Attachment #9 | Indian Rocks Beach Regular City Commission Meeting, August 13, 2018 |
| Attachment #10 | Indian Rocks Beach Regular City Commission Meeting, September 11, 2018 |

Attachment #11	Indian Rocks Beach Short-Term Vacation Rental Ordinance No.2018-01 & Map
Attachment #12	Indian Rocks Beach Short-Term Vacation Rental Application
Attachment #13	Short-Term Rental Newspaper Articles
Attachment #14	Indian Rocks Beach Short-Term Rental 1 st Mass Communication
Attachment #15	Indian Rocks Beach Short-Term Rental Post Card Invite
Attachment #16	Legislative Response to Invite
Attachment #17	Florida League of Cities Action Agenda Top 5 Priority Since 2014
Attachment #18	Indian Rocks Beach Code Enforcement Report

As the policy makers for the City, the City Commission should take all public comments, including those comments from IRB Team Members, the Pinellas County Sheriff Office, Pinellas Suncoast Fire Rescue District and provide direction for a path forward.



**INDIAN ROCKS BEACH
CITY ATTORNEY RANDY MORA
SHORT-TERM RENTAL REGULATION MEMO
2016**

Attachment # 1



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

May 3, 2016

Page 2

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-aid 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.

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**INDIAN ROCKS BEACH
FEE- SCHEDULE 58-49**

Attachment # 2

Sec. 58-49. - Fee schedule

The local business tax fees shall be as follows and such fees shall be assessed and collected by the city:

Abstract company (title company)\$150.00

Addressing, mailing70.00

Administrative office70.00

Advertising:

Agency100.00

City directory300.00

Directory, guide book100.00

Agent or agency:

Book or magazine150.00

Claim or collection50.00

Credit reporting100.00

Employment100.00

Insurance100.00

Private detective security50.00

Travel100.00

Amusement machines, coin-operated:

Dealer or lessor150.00

Operator or lessee, each machine20.00

Amusement park375.00

Amusement rides, each, per day50.00

Animal grooming60.00

Animal hospital100.00

Answering service, telephone80.00

Appraiser100.00

Astrologer3,125.00

Astronomer150.00

Auctioneer, per day150.00

Auction shop450.00

Automotive:

Agency112.50

Dealer112.50

Garage80.00

Services:

Rental (cars, trucks, trailers)100.00

Parking lot:

One to 50 cars40.00

Over 50 cars100.00

Storage capacity:

Six to 10 cars40.00

11 to 20 cars60.00

21 to 50 cars80.00

Over 50 cars120.00

Washing and polishing50.00

Wrecker or towing service100.00

Service station:

First pump60.00

Each additional pump6.00

With garage (additional)80.00

Bait dealer and/or sales70.00

Bakery goods, retail store100.00

Baked goods, delivery and/or sales100.00

Bank, lending institution or savings and loan262.50

Barbershop:

First two chairs60.00

Each additional chair20.00

Beauty parlor:

First two chairs or booths60.00

Each additional chair or booth20.00

Beverages, nonalcoholic:

Bottling works: See "Manufacturing."

Distribution or wholesaler100.00

Beverage delivery, soft drinks50.00

Refreshment stand, sale of soft drinks only, each location50.00

Bicycle shop, repair only50.00

Billiards, pool:

First table100.00

Each additional table10.00

Blood pressure machines25.00

Blueprint, photostat or similar service80.00

Boats:

Accessories: See "Merchant."

Builders: See "Manufacturing."

Charter or rental100.00

Dealers100.00

Repair and service112.50

Storage100.00

Bonding company (see "Insurance"):

Individual100.00

Bookkeeping service (if not licensed accountant)80.00

Book/video entertainment items (adult sales)3,125.00

Broker:

Merchandise100.00

Mortgage100.00

Stocks, bonds and other:

Dealer127.50

Individual (not employed by dealer)100.00

Builder, speculator and/or developer150.00

Business advisory services100.00

Business machine rentals80.00

Bus station, interstate business100.00

Carnival, per day (including side shows)150.00

Each concession stand, per day80.00

Caterer80.00

Character reading3,125.00

Christmas tree stand (season only)40.00

Circus:

Shows and tent shows, per day375.00

Each side show, concession stand, booth, per day50.00

Parade, circus held in city100.00

Clairvoyant3,125.00

Cleaning, press and dye:

Plant (ten or less employees)112.50

Each additional employee2.00

Branch or collection agency50.00

Laundry and linen service100.00

Diaper service60.00

Clothing or costume rental60.00

Community residential or family care home100.00

Consignment shop60.00

Contest company300.00

Contractor, building:

- Class A157.50
- Class B105.00
- Class C70.00

Subcontractors:

- Armored cars (Brinks, etc.)70.00
- Block mason70.00
- Brick mason70.00
- Concrete, sidewalks, etc.70.00
- Doors (garage)70.00
- Electrical (licensed)70.00
- Floor surfacing70.00
- Framing and finishing70.00
- Gasfitter70.00
- General repair70.00
- Glass installer70.00
- House mover70.00
- Insulation contractor70.00
- Janitorial70.00
- Landscaping or lawn care70.00
- Lathe and plastering70.00
- Mechanical (air conditioning)70.00
- Paint contractor70.00

Paper hanger70.00

Paving contractor70.00

Pipeline contractor70.00

Plumbing contractor (licensed), master70.00

Roofer70.00

Septic tank company70.00

Small appliances70.00

Other70.00

Convalescent home or nursing home100.00

Credit and loan agency262.50

Currency exchange100.00

Dancing112.50

Dancing (adult entertainment)3,125.00

Decorator, interior80.00

Delicatessen80.00

Designer, clothing and industrial80.00

Diver80.00

Divine healer3,125.00

Employment agency80.00

Engraving, printing and lithography:

 One employee70.00

 Each additional employee10.00

Equipment rental:

 Small tools, machines, etc.80.00

 Heavy equipment120.00

Florist70.00

Fortuneteller3,125.00

Fruit shipper (not licensed packer)80.00

Retail80.00

Wholesale80.00

Packer80.00

Furniture refinishing, reupholstery80.00

Gas contractor60.00

Dealer50.00

Gun dealer (including repairs)100.00

Gunsmith, repair only70.00

Hearing aid agent or dealer80.00

Hospital:

50 beds or less225.00

51 beds or over337.50

Ice sales station50.00

Income tax consultant100.00

Insurance:

Placed in city by local agent70.00

Adjustor60.00

Agency50.00

Agent, each additional of licensed agency20.00

Not connected with city-licensed agency70.00

Insurance companies: Each insurance company writing life, fire, accident, health, public liability, indemnity, motor vehicle, industrial, or other type or form of insurance within the corporate limits and either represented by local travelling or itinerant agent or representative100.00

Investment counselor112.50

Junk collector, each truck80.00

Kennel, over three dogs100.00

Kindergarten or nursery80.00

Laboratory:

Single employee80.00

Each additional employee10.00

Laundry:

Hand (one employee)50.00

Each additional employee2.00

Plant112.50

Branch or collection agency60.00

Loan, finance or consumer discount, small loans262.50

Locksmith60.00

Mail order establishment80.00

Maintenance work, NOC70.00

Manicurist (each)20.00

Manufacturing, fabricating, processing112.50

Market, including meat or fish60.00

Mental healer1,250.00

Merchant:

Stock value \$2,000.00 or less60.00

All over \$2,000.00, per \$1,000.00 or any part4.00

Messenger or package dealer service:

First vehicle50.00

Each additional vehicle20.00

Modeling (adult entertainment)3,125.00

Motorcycles, scooters, etc.:

Dealer (includes service and repair)70.00

Service (repair only)50.00

Rental (separate license)50.00

Moving and transfer company100.00

Music machine:

Dealer or lessor80.00

Operator or lessee, each machine20.00

Musician, street (permit required)80.00

Newspaper or periodical, publishing or printing125.00

Nursery50.00

Nursery school80.00

Nursing home100.00

Palmist3,125.00

Patrol, night patrol or watchman60.00

Pawnbroker262.50

Pet shop60.00

Petroleum products:

Bottled gas112.50

Gasoline, oil, fuel oil:

Delivery and/or sales50.00

Wholesale or bulk plant112.50

Photographer:

Maintaining place in city60.00

Traveling or agent112.50

Phrenologist3,125.00

Physical culturist70.00

Piano tuner50.00

Plating and anodizing80.00

Printer100.00

Professional:

Accountants, architects, artists, etc.100.00

Consultants, advertising, business, statistical, etc.100.00

Doctors, MD, DO, DDS, etc.112.50

Engineers, chemical, electrical, industrial, etc.100.00

Licensed health professional (e.g. massage therapist, dietitian, etc.)100.00

Taxidermist100.00

Promoter300.00

Public relations counselor100.00

Radio-TV service and repair100.00

Radio-TV sales: See "Merchant."

Recreation vehicle park, per recreation vehicle lot25.00

Real estate:

Broker80.00

Salesman20.00

Refuse collection, garbage, outside collectors125.00

Rental (adult entertainment items)3,125.00

Rental units, single-family, multifamily, hotel, motel:

Units one to five, per unit10.00

Unit six and over, per unit8.00

Restaurant:

Carryout37.50

One to 10 seats50.00

11 to 25 seats60.00

26 to 50 seats80.00

51 to 100 seats100.00

Over 100 seats125.00

Drive-in70.00

Stand or counter without seats30.00

School, studio and instruction: art, arts and crafts, auto driving, barber, beautician, bridge, business, dancing, dramatics, golf, model or charm, music, sewing, skiing, tennis, trade, etc.60.00

Self-service laundry and dry cleaning:

Dry cleaning:

First machine50.00

Each additional machine2.00

Shoe repair50.00

Shuffleboard:

First table or court70.00

Each additional table or court10.00

Sign manufacturing80.00

Soda fountain50.00

Soft water equipment80.00

Solicitation, telephone office225.00

Storage space rental, outdoor80.00

Swimming pool maintenance60.00

Tailor, dressmaker50.00

Taxicab:

First vehicle, each company50.00

Each additional vehicle10.00

Each driver (to be checked by designated law enforcement agency)6.00

Telegraph company or agent100.00

Theater300.00

Theater (adult)3,125.00

Trading or discount stamp company150.00

Trailer/mobile home parks:

One to 10 trailers/mobile homes100.00

11 to 25 trailers/mobile homes150.00

26 to 100 trailers/mobile homes300.00

Over 100 trailers/mobile homes450.00

Trailers:

Cargo, sales and service rental60.00

House, dealer rental50.00

Broker100.00

Rental:

Combination, cargo and house80.00

Transport service80.00

Vacuum cleaner sales, service and repair60.00

Vending machines:

Dealer50.00

Operator or lessee:

Less than \$0.25, each4.00

\$0.25 or more, each10.00

Warehouse, bonded or storage80.00

Per 1,000 square feet (minimum)40.00

2,000 square feet to 10,000 square feet, per 1,000 square feet10.00

All over 10,000 square feet, per 1,000 square feet20.00

Water:

Bottler100.00

Combined (bottler and dealer)100.00

Combined (bottler, dealer and cooler rental)120.00

Cooler rental50.00

Dealer80.00

Spring or distilled80.00

Watch and clock repair60.00

Unclassified/residential occupation60.00

(Ord. No. 2015-28, § 3, 10-13-2015)



**BUSINESS TAX FEE SURVEY FOR
MUNICIPALITIES IN PINELLAS COUNTY &
SHORT-TERM RENTAL FEES FROM OTHER
MUNICIPALITIES IN FLORIDA**

Attachment # 3

Mims, Gregg

From: Kornijtschuk, Lorin
Sent: Tuesday, October 18, 2022 10:09 AM
To: Kornijtschuk, Lorin
Subject: Business Tax Receipt Fees

Tracking:	Recipient	Read
	Kornijtschuk, Lorin	Read: 10/19/2022 10:17 AM

Good morning,

The City of Indian Rocks Beach would like to know what your Business Tax Receipt Fees are for Short Term Vacation Rentals, or any other Business Tax Receipt fees associated with Short Term Vacation Rentals.

Thank you in advance.

Sincerely,

Lorin A. Kornijtschuk

Office Administrator

City of Indian Rocks Beach

1507 Bay Palm Boulevard

Indian Rocks Beach FL 33785

Ph: 727.595.2517

e-mail: Lkornijtschuk@irbcity.com

Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not sent electronic mail to this entity. Instead, contact this office by phone or in writing.

PINELLAS COUNTY BUSINESS TAX RECEIPT SURVEY

PINELLAS COUNTY	FEE	
OLDSMAR	NO	
LARGO	NO	
SAFETY HARBOR	NO	
NEWPORTRICHEY	NO	
BELLEAIR BLUFFS	NO	
BELLEAIR	NO	
PINELLAS PARK	NO	
PINELLAS CO	NO	
INDIAN SHORES	NO	
REDINGTON SHORES	NO	
NORTH REDINGTON	NO	
REDINGTON BEACH	NO	
SOUTH PASADENA	NO	
ST. PETERSBURG	NO	
CLEARWATER	NO	
TARPON SPRINGS	NO	
BELLEAIR BEACH	\$300.00	ANNUAL REGISTRATION
MADEIRA BEACH	\$9.27	EACH UNIT
DUNEDIN	\$200.00	ANNUAL REGISTRATION
	\$25.00	2-5 UNITS
TREASURE ISLAND	\$24.31	1 UNIT
	\$6.04	2-5 EACH
	\$4.83	5 OVER
ST PETE BEACH	NO FEE	1
	\$20.00	2-5
	\$30.00	6-10

OTHER MUNICIPAL EXAMPLES OF FEES ASSOCIATED WITH SHORT-TERM RENTALS

HOLMES BEACH	\$545.00	REGISTRATION-BI-ANNUAL
DEERFIELD BEACH	\$100.00	REGISTRATION
COCONUT CREEK	\$250.00	REGISTRATION
	\$40.00	RE-INSPECTION
	\$250.00	REGISTRATION RENEWAL
FORT PIERCE	\$600.00	ANNUAL REGISTRATION
DAYTONA	\$40.00	INITIAL REGISTRATION
	\$50.00	INITIAL INSPECTION PER UNIT
	\$15.00	ANNUAL RENEWAL
	\$68.00	ANNUAL INSPECTION PER UNIT
	\$100.00	EACH RE-INSPECTION AFTER 2ND FAIL
SARASOTA	\$250.00	INITIAL REGISTRATION
	\$150.00	REGISTRATION RENEWAL
	\$100.00	LATE FEE
	\$100.00	AMENDED REGISTRATION APPLICATION
	\$50.00	FIRST RE-INSPECTION
	\$100.00	SECOND AND THIRD RE-INSPECTION
	\$100.00	INSPECTION FEE UPON CHANGE OF OWNERSHIP
POMPANO BEACH	\$675.00	INITIAL REGISTRATION
	\$375.00	ANNUAL RENEWAL
CAPE CANAVERAL	\$75.00	SAFETY INSPECTION PER UNIT
	\$50.00	SAFETY RE-INSPECTION PER UNIT
	\$300.00	ANNUAL REGISTRATION
	\$50.00	LATE REGISTRATION
	\$50.00	OWNERSHIP TRANSFER
FORT LAUDERDALE	\$350.00	REGISTRATION
	\$160.00	RENEWAL-NON-OWNER OCCUPIED
	\$80.00	RENEWAL - OWNER OCCUPIED
	\$75.00	SAFETY INSPECTION
	\$75.00	RE-INSPECTION
	\$75.00	NO SHOW INSPECTION
	\$75.00	LATE REGISTRATION
	\$35.00	TRANSFER RENTAL AGENT
HALLANDALE BEACH	\$45.00	PROCESSING
	\$300.00	REGISTRATION
	\$250.00	ANNUAL REGISTRATION RENEWAL
	\$100.00	RE-INSTATEMENT AFTER SUSPENSION
	\$100.00	REGISTRATION MODIFICATION
	\$200.00	APPEAL
	\$250.00	PENALTY FEE FOR FIRST OFFENSE
	\$500.00	PENALTY FEE FOR SECOND AND MORE OFFENSES
CAPE CORAL	\$5.50	BUSINESS TAX PER BEDROOM



**INDIAN ROCKS BEACH
EXAMPLES OF COMMUNICATIONS
&
OTHER EFFORTS**

Attachment # 4



For being a champion in the defense and protection of municipal Home Rule,
the Florida League of Cities presents the

2014

Home Rule HERO

to

Greg Mims, City Manager
City of Indian Rocks Beach



C. Scott Dudley
Director, Legislative Affairs
Florida League of Cities, Inc.

P.C. Wu, FLC President
Councilman, City of Pensacola

Mims, Gregg

From: Mims, Gregg
Sent: Thursday, January 30, 2014 10:49 AM
To: Johnson, R; Cookieirb52@gmail.com; Jim Labadie; terryhamiltonwollin@gmail.com; Phanna1@tampabay.rr.com
Cc: MAURA's GMAIL; _Management Team
Subject: FLC Tallahassee Trip

Commissioners,

Good morning. At the invitation of the Florida League of Cities, I will travel with a group of Suncoast governmental officials to Tallahassee next week. The purpose of the FLC trip is to meet with Senators and representatives concerning the two pending bills that deal with vacation rentals. In addition I will be testifying before one or more committees.

I will be out of the office Tuesday and Wednesday of next week and will provide the Commission with an update upon my return. The majority of the expenses related to this trip, including lodging and transportation will be provided by the FLC.

Have a great day.

Brently Gregg Mims, ICMA-CM, City Manager
1507 Palm Boulevard
Indian Rocks Beach, FL 33785
Phone: (727) 595-2517
Fax: (727) 595-4627
Website: www.indian-rocks-beach.com
Email: gmims@irbcity.com



The Constitution gives people the right to pursue happiness. You have to catch it yourself.

Benjamin Franklin

All government correspondence is subject to the public records law.



For being a champion in the defense and protection of municipal Home Rule,
the Florida League of Cities presents the

2020
HOME RULE HERO

to

Mayor Joanne Kennedy
CITY OF INDIAN ROCKS BEACH

A handwritten signature in black ink, appearing to read 'I. Salver'.

ISAAC SALVER
Council Member, Bay Harbor Islands
President, Florida League of Cities, Inc.

A handwritten signature in black ink, appearing to read 'C. Scott Dudley'.

C. SCOTT DUDLEY
Director, Legislative Affairs
Florida League of Cities, Inc.



For being a champion in the defense and protection of municipal Home Rule,
the Florida League of Cities presents the

2021
HOME RULE HERO

to

Mayor Joanne Kennedy
CITY OF INDIAN ROCKS BEACH

A handwritten signature in black ink, appearing to read 'Tony Ortiz', is written over a blue horizontal line.

TONY ORTIZ
Commissioner, Orlando
President, Florida League of Cities, Inc.

A handwritten signature in black ink, appearing to read 'Jeannie Garner', is written over a blue horizontal line.

JEANNIE GARNER
Executive Director
Florida League of Cities, Inc.

2/2/2014



Suncoast Advocacy Team

Schedule & Talking Points



Suncoast Advocacy Team

Schedule & Talking Points

Dear Advocacy Team Members

Thank you for being part of the Suncoast Advocacy Team! Below is a final list of confirmed appointments during your visit to Tallahassee. The appointments are listed in chronological order and include meeting assignments based upon your key contacts. As you know, the Legislators have very busy schedules during Session, so the time spent with them and/or their staff is VERY important and needs to be succinct and productive.

To help you prepare for your appointments, we have included the following information for each Legislator and issue:

- Meeting date, time and location
- Meeting attendees (Legislator or staff)
- Legislator Committee Assignments
- **Suggested** issues to address during your visit
- Florida League of Cities and Suncoast League of Cities (if applicable) position on the issue



Getting Ready for your Meetings

Below are some advocacy tips to help insure your meetings are successful and productive.

- Write down your goals for the meeting.
- If you are meeting to ask for their vote, then **ask for it**. Don't assume they are going to support you because they were nice and you had a pleasant conversation.
- **TELL YOUR CITY/TOWN'S STORY** as it relates to the issue.
- Don't mistake brevity as rudeness. Their schedules are

very busy and they just don't have the luxury of spending the same amount of time with you as they do back in the district.

- Be nice to their staff when you arrive and when you leave. Legislators rely heavily on their staff and more importantly, their staff's opinions.
- Don't act disappointed if the Legislator is not available when you arrive, and you have to meet with a staff member instead. Continue with the meeting as planned.
- If your Legislator does not support your position, ask them to reconsider (if appropriate) and offer to provide them with additional information that might change their mind.
- If they are firm in their opposition, thank them for their time and their honesty and leave the meeting on a positive note. The fact that they disagree with you on some issues doesn't mean they will on all issues. A memorable way to conclude your meeting is with a "How can I help you?" question. They may respond with "There's nothing right now." But they won't forget that you asked.

Unfavorable: Use of Insurance Premium Tax Revenues

The bill provides very limited flexibility relating to the use of insurance premium tax revenues. The bill creates a very complex process on the use of insurance premium tax revenues depending on when an amount of insurance premium tax revenues was generated and if the underlying police or fire defined benefit pension plan has either an over or under 80% assets-to-liabilities funding ratio. Basically, once the defined benefit pension plan has at least an 80% funded ratio, insurance premium tax revenues must be used to fund defined benefit and newly created by statute defined contribution benefits. These provisions are not favorable to cities as they specify required uses of insurance premium tax revenues rather than allowing the collective bargaining process to determine use of the revenues for retirement purposes.

Unfavorable: Repeal of Current Department of Management Services Interpretation / “Naples” Letters

An immediate and problematic effect of the bill is that it would void the current Department of Management Services (“DMS”) interpretation on the use of insurance premium tax revenues, as reflected in the “City of Naples” type letters. This DMS interpretation is very favorable to cities by providing them with broad flexibility in negotiating pension benefit levels and use of insurance premium tax revenues. However, a concern with the current DMS interpretation is that it could be challenged, or DMS could, at some point, again change its interpretation. As noted, a statutory change, as reflected in the bill, would remove the current DMS interpretation but it would also prevent the DMS from developing a less favorable interpretation of the law in the future.

Unfavorable: Limited Grandfather Provision

The bill provides a very limited grandfather provision for cities acting in reliance on the Department of Management Services’ current interpretation on the use of insurance premium tax revenues (as reflected in “City of Naples” type letters). A city that has implemented or proposed changes to the pension plan in reliance on the interpretation before February 1, 2013 may continue with the implemented or proposed changes. The reliance must be evidenced by formal correspondence between the city and the Department which describes the specific changes to the plan, with the initial proposal, agreement or correspondence dated before February 1, 2013. The changes may continue in effect until the earlier of October 1, 2017, or the effective date of a collective bargaining agreement that is contrary to the changes in the plan. This is a very narrow grandfather provision, which does not even grandfather approximately 20 cities with DMS letters dated after February 1, 2013.

Unfavorable: Institutionalizing the Pension Mandate

The bill further complicates already existing laws on the use of insurance premium tax revenues, and imposes more “one size fits all” state rules on local pension plans. This is not relief from the current “extra” pension benefits mandate, but rather a complicated manner of further institutionalizing the mandate.

Vacation Rentals - Talking Points

As one of the League’s top priorities, this is an issue that’s affecting many of our municipalities in the Suncoast region and throughout the state. With strong bill sponsors in both the House and Senate, we have an opportunity to pass very good legislation this session that removes the 2011 preemption. Thus, we encourage all officials to discuss this issue during your meetings.

Even if this situation has not infiltrated your community yet, the regulation of short-term rentals is and should remain a municipal home rule issue! A strong show of support by municipalities demonstrates to legislators how important this legislation is for Florida’s cities.

Link with some great info: www.homerulefl.com

CURRENT STATUS:

HB307 is scheduled to be heard in House Business & Professional Regulations Subcommittee on 2/4/14 at 1:30 pm.

SB356 is scheduled to be heard in Senate Community Affairs on 2/4/14 at 2:00 pm

SUPPORT HB 307 and SB 356

- HB 307 (Hutson) and SB 356 (Thrasher) remove a preemption placed on local governments in 2011 that currently prevents cities and counties from regulating vacation rentals. A vacation rental is defined as a home that is rented more than 3 times in a calendar year for periods of less than 30 days.
- Cities, through their Home Rule authority, could regulate vacation rentals prior to 2011. Florida has approximately 44 cities with vacation rental ordinances in place.
- The constant turnover in some of these rentals is similar to that of a hotel or other commercially-zoned properties, a use that is not appropriate in single-family residentially-zoned areas.
- Vacation rentals are usually located in single family home areas where people choose to raise their families. These residential areas are located away from more commercial areas which have higher amounts of traffic, noise, late night activity, and disturbances.
- Only cities with vacation rental ordinances that were adopted prior to June 1, 2011 are allowed to regulate these properties. All other cities are preempted by the 2011 legislation. Cities that may not have had problems with vacation rentals in 2011, but do now, are unable to craft local solutions to solve these problems because of the preemption.
- Cities with vacation rental ordinances will lose their ordinance if they choose to amend it. Even if they want to make the ordinance less restrictive!
- Every city is unique and the ordinances currently in place reflect these differences. Some cities require that these properties be rented for a week or more at a time. Others require that a sign with the owner or their designee's contact information be placed in the front yard in case issues arise with the property.
- HB 307 / SB 356 do not mandate that a city or county regulate vacation rentals. Recognizing that every city is different and that what works in St. Petersburg may not work in Hallandale Beach, these bills allow cities to craft solutions that work in their jurisdiction.
- Vacationers often treat properties differently than full time residents. There have been noise, trash, parking, and safety issues associated with these properties.
- If this preemption is removed, a city would still have to go through the ordinance adoption process before any regulation of these properties takes place. Concerned or affected residents would be given multiple opportunities to comment or provide feedback on the proposed ordinance before it is adopted.



April 10, 2019

VIA HAND DELIVERY

The Honorable Nick DiCeglie
Representative, House District 66
1301 The Capitol
402 Monroe Street
Tallahassee, Florida 32399-1300

Re: HB 987 -- An Act Relating to Vacation Rentals

Dear Representative DiCeglie:

First and foremost, the City of Indian Rocks Beach would like to thank you for your dedication and service to our community. In addition to expressing its appreciation, the City is delivering this correspondence to bring your attention to a matter of concern in our community: the proposed legislation preempting local regulation of short term rentals. As detailed below, the City Commission asks that you vote "No" on any proposed measures further preempting the City's ability to locally regulate this industry.

As a resident and representative of the City of Indian Rocks Beach you are surely aware of the City's efforts in the last three years to address the concerns of its residents relative to the proliferation and operation of short term rentals in the City's residential districts. The City Commission does not oppose the operation of short term rentals, but desires to retain the ability to ensure they are operated in a manner consistent with the permitted uses and character of our community.

On April 2, 2019, the City Manager sent you a copy of our ordinance passed in September 2018, narrowly regulating the operation of short term rentals (the "Ordinance"). The Ordinance required the operators of short term rentals to register with the State and secure a business tax receipt from our City. Though the City retains the right to inspect the properties, such inspections are not mandatory. Apart from insisting short term rentals comply with general laws concerning safety, one of the few affirmative obligations for short term rentals in the Ordinance is that non owner-occupied properties designate a responsible party to contact concerning community disturbances, and that the designee's contact information be posted at the front of the property. The City Commission consciously made every effort to balance the interests of property owners operating short term rentals against their neighbors' interests in retaining the residential character of their communities. The process for adopting this Ordinance took several months and included direct input from homeowners, a representative of AirBnB, the local realtors' association, and other interested shareholders.

Currently, the House (HB 987) and Senate (SB 824) are considering bills that would altogether preempt and prevent the City from enforcing this Ordinance. Indeed, if adopted in their current form these bills would preempt any ability the City has to regulate some of the defining features of the short-term rental industry: duration, frequency, and occupancy. The proposed legislation also prevents the City from treating these commercial operations as a cognizable industry warranting specific regulation. Even if the City were to pass any measures intended to comply with these proposed laws, the bills place an elevated legal burden on the City to legally prevail in such a challenge before the courts.

These proposed bills are inconsistent with the home rule powers the City ordinarily enjoys. Instead, these bills propose to void the City's carefully-crafted Ordinance balancing the interests of local shareholders, for a uniform system that imposes the same regulatory framework on our small barrier island community that will be applied in sprawling metropolitan areas with considerably more robust infrastructure.

While we recognize you are not a member of the three committees HB 987 has been assigned, the City of Indian Rocks Beach respectfully requests that if this measure reaches the House Floor in its current form preempting the City's ability to locally regulate this industry, that you vote "No." The City does not make this request lightly, but firmly believes this reflects the concerns of our residents.

Thank you for your careful and informed consideration of this issue.

Respectfully,

The City Commission of the City of Indian Rocks Beach

Mims, Gregg

From: Mims, Gregg
Sent: Tuesday, August 27, 2019 11:18 AM
To: Mike Burton
Cc: _Management Team; Kelley, Mike; Atkinson, Elizabeth; O'Connor, Christine; _Commission
Subject: FW: STVR's
Attachments: BTR-COMPLIANCE 2 UPDATED.xlsx; SHORT TERM VACATION RENTAL MAP-PER ORD 18-01-10-25-18.pub; O2018-01 Short-term vacation rentals.pdf; BUSINESS TAX RECEIPT-SHORT TERM VACATION RENTAL-FINAL-MORA-10-01-18.pdf

Chief Burton,

Good morning from the City of Indian Rocks Beach. Attached to this email you will find a list of addresses that are being operated as vacation rentals in our city, a map that highlights the zones in our city that are regulated by City of Indian Rocks Beach Ordinance 2018-01, ordinance 2018-01 and IRB BTR Vacation Rental Application. The information is provided as a courtesy to your department and to give you a heads up that residents are beginning to ask the city if these locations are in compliance with fire code requirements. In anticipation of forthcoming complaints to your department we thought it would be helpful if had as much information as possible.

In addition to the information attached we have specific operator information (name, address, phone #, etc.) available if you need it.

If you have any questions please give me a call.

Have a great day.

Brently Gregg Mims, City Manager
City of Indian Rocks Beach
1507 Bay Palm Boulevard
Indian Rocks Beach, Florida 33785
Phone: (727) 595-2517
Fax: (727) 595-4627
Website: www.indian-rocks-beach.com

"The two most important days in your life are the day you are born and the day you find out why." Mark Twain

All government correspondence is subject to the public records law.

From: Atkinson, Elizabeth
Sent: Tuesday, August 27, 2019 10:40 AM
To: Mims, Gregg <gmims@irbcity.com>
Cc: Carpenter, Dan <dcarpenter@irbcity.com>
Subject: STVR's

Gregg,

As requested are the STVR spreadsheets.

Elizabeth Atkinson

Finance/Human Resource Specialist

City of Indian Rocks Beach

1507 Bay Palm Blvd.

Indian Rocks Beach, FL 33785

(727)595-2517

(727)595-4627 fax

eatkinson@irbcity.com

Mims, Gregg

From: Mims, Gregg
Sent: Thursday, April 11, 2019 9:24 PM
To: Kennedy, C
Cc: Mora, Randy (City Attorney)
Subject: Re: Short-Term Vacation Rentals

Cookie,

Randy and I were pleased to assist in your trip to the capital city. It is great that people from around the state let the elected officials in Tallahassee know how they felt. Your presence in Tallahassee made a difference. You made us proud.

It is a shame that the law still exists that will continue to change the face of IRB. Just this week another duplex down the street was purchased and now is being turned into a vacation rental. That makes at least 10 vacation rentals created within a block of Michelle and I in the last year. All a result of the previous City Attorney and City Planner that presented two land code amendments that invalidated the ordinance that we had. We must continue to monitor the session to insure that a "midnight" amendment is not passed by our "friends" in Tallahassee.

Thanks again for your efforts and representing the city team. Job well done.

WORKING TOGETHER we continue to deal with this issue.

Have a great night.

Gregg

Sent from my iPhone

On Apr 11, 2019, at 8:05 PM, Kennedy, C <CKennedy@irbcity.com> wrote:

Greg and Randy,

A world wind day in Tallahassee. I walked in the Commerce Committee as HB 987 was being debated. Representative Webb's aide Anna met me at the chamber's. I had the opportunity to speak soon after. I quoted the Competing Narrative Randy wrote. I asked if I could answer a question asked of the gentleman before me in regards to naming what makes a short term rental commercial vs. residential. I suggested a two or three bedroom home occupied with 16 to 25 people cohabiting would certainly meet the definition and be considered commercial.

Anna set up meetings with several Senators on the committee that would be hearing SB 824 at 1:30. I had a meeting with Senator Manny Diaz who was the maker of bill 824. Sen. Diaz told me the bill would most likely die and to keep that to myself. The bill 824, 30 minutes before the committee ended was postponed. However, the committee was not meeting again in this session which indicates for now it's over.

It was all very interesting. I explained we lost our grandfather clause to Sen Diaz and to Sen. Rouson. I met with the aide to Sen. Farmer too. An interesting amendment concerning homestead of one's property which could reinstate the grandfather clause was brought to the floor. The amendment died in the House.

When speaking in front of the Commerce Committee I explained that in Indian Rocks Beach we are not against Vacation Rentals and we have districts that permit individuals to have them. I spoke about the safety issue too.

In my meeting with Sen.Brandes I remarked we are elected by the same voters who were in line at my Monday with the Mayor telling me I needed to explain to Brandes the issues our residents face and how this issue is changing the fabric of our neighborhoods.

I went up to Tallahassee thinking of my dad who has always told me it's important to fight the fight. So, that's what I did. I was one of many. For now, we shut it down.

I would like the Commission to know what happened during the trip. I will not respond. If appropriate, I hope you will forward tthis email to them.

Thank you for all your help and your belief in me.

Cookie

Sent from my Verizon, Samsung Galaxy smartphone



**INDIAN ROCKS BEACH
LETTERS TO
GOVERNOR DESANTIS
&
OTHER LEGISLATIVE OFFICIALS**

Attachment # 5



Administrative
727 595 2517

Building Planning & Zoning
727 517 0404
727 596 4759 (Fax)

Library
727 596 1822

Public Services
727 595 6889
727 595 5137 (Fax)

October 12, 2019

The Honorable Ron DeSantis
Governor, State of Florida
The Capitol
400 S. Monroe Street
Tallahassee, Florida 32399-0001

RE: SHORT-TERM VACATION RENTALS

Dear Governor DeSantis,

The City of Indian Rocks Beach appreciates your service to the State of Florida. Historically, cities in Florida were allowed, by home rule, to develop and adopt land development codes that reflected the character of our communities. In 2011, the State abolished the right of local governing bodies to regulate vacation rentals. In 2014, the Florida Senate passed a bill, by a vote of 37 to 2, to fully repeal the 2011 law. The vacation rental lobby diluted the final bill which resulted in the passage of a bill that created more confusion.

The subsequent effect resulted in the establishment of incompatible vacation rental housing operations in traditional residential areas. In our residentially-zoned areas, conversion of traditional single family houses to commercial vacation rental operations are occurring on a daily basis. In the last six months, over one hundred and thirty (130) homes have been converted. Many houses are being purchased by non-resident investors who do not share the small town feel or concerns of our residents.

The character of our traditional neighborhoods is drastically being altered as they evolve from residential to commercial operations. This evolution creates public safety-related issues as these dwellings are not subject to the same fire and safety codes as traditional commercial operations. For many years our codes provided protection and a sense of place for all of our zoning districts. These provisions provided a great diversity for rental opportunities, but also gave our residents in residential zones the peace of mind that their homesteaded property was protected. For the majority of people that purchase a home, it is the largest financial investment of their lives. Many of our full time residents now feel that their property rights have been compromised and their quality of life has been forever changed.

The Honorable Ron DeSantis
October 12, 2019
Page 2 of 2

The elimination of home rule as it relates to vacation rentals has resulted in many Bert Harris claims in response to local governments' efforts to find alternative legislative solutions. The City of Anna Maria Island is facing claims totaling \$5.3 Million and \$22.7 Million in Flagler County. Some of these claims have been settled resulting in large monetary costs. Our city embraces tourism, but the pervasive conversion of traditional single family houses to commercial operations is not an appropriate change to the character of the city.


Airbnb contributed over \$1.2 Million to state political campaigns during the 2018 election cycle. Our small city cannot compete with these resources.

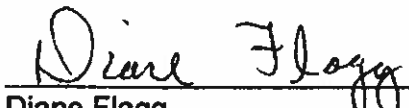
All of these issues were created by the 2011 law that deviated from the traditional principle of home rule. The Florida Legislature and Governor should allow local governments like ours to manage our communities and zoning districts by returning to traditional Florida home rule principles. Allowing the expansion of vacation rentals in our neighborhoods without local control should never have occurred.

The City of Indian Rocks Beach urges the Florida Legislature and Governor DeSantis to take the necessary steps to restore home rule and the ability to regulate vacation rentals to local governments like ours.

Sincerely,
THE CITY OF INDIAN ROCKS BEACH


Joanne Moston Kennedy
Mayor-Commissioner

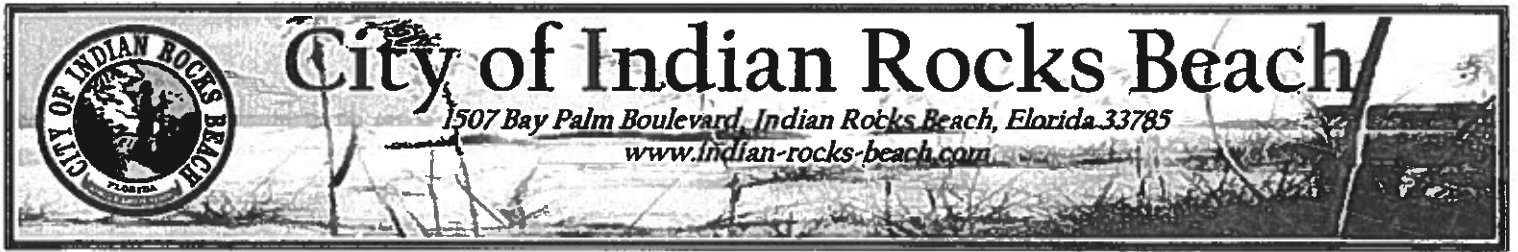

Nick Palomba
Vice Mayor-Commissioner


Diane Flagg
City Commissioner


Phillip J. Hanna
City Commissioner


Edward G. Hoofflage
City Commissioner

/dor



Administrative
727 595 2517
727 596 4759 (Fax)

Library
727 596 1822

Public Services
727 595 6889
727 593 5137 (Fax)

February 10, 2021

The Honorable Ron DeSantis
Governor, State of Florida
400 South Monroe Street
Tallahassee, FL 32399

Re: Short-Term Vacation Rentals

Dear Governor DeSantis,

The City of Indian Rocks Beach appreciates your service to the State of Florida and its diverse constituencies across the State. This letter is intended to bring your attention to a particular issue of concern in our community: local regulation of short-term vacation rentals.

Since the Legislature's enactments in 2011 and 2014 preempting the breadth of municipal regulations directed to short term rentals, our City has witnessed its residential districts become fractured by pockets of corporate rental operations. The impact of this transition is all the more poignant in beach communities like ours, where there is not sufficient space for suburban sprawl and commercial districts have historically been separated from residential districts by Euclidean zoning practices.


By way of example, on January 11, 2021, Senator Diaz filed SB 522 for consideration during this Legislative Session. The plain text of the bill seeks to expressly preempt local inspection or licensing of public lodging establishments, including vacation rentals. Further still, the SB 522 only allows a local jurisdiction to regulate short term rentals in precisely the same manner as other residential properties. By legislative mandate, this regulatory framework would expand the imposition upon local jurisdictions to treat a distinctly commercial use as though it is identical in nature to the historical use of single-family homes. In turn, local jurisdictions like ours are then forced to regulate inherently dissimilar uses as though they are uniform. This puts an unnecessarily burdensome restriction on our City's home rule powers.

February 10, 2021
Page 2 of 2

As a tourist destination, the City of Indian Rocks Beach is aware of the economic value of vacation rentals. This is especially true as our property-owners adapt to find new sources of income in a transitioning economy. The City does not aim to prohibit rentals, or place such burdensome restrictions amounting to prohibition. The City wishes only to retain the tools of governance, principally its home rule powers, memorialized in Florida's Constitution and statutes.

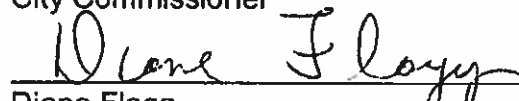
The City of Indian Rocks Beach respectfully urges the Florida Legislature and Governor DeSantis to take the necessary steps to restore, or at the very least, preserve the current scope of its home rule powers relating to the ability to regulate vacation rentals consistent with the character of its community, the will of its residents, and as the preservation of public health and safety otherwise require.

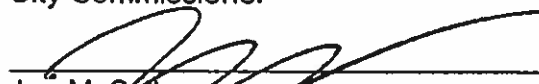
Respectfully submitted,
THE CITY OF INDIAN ROCKS BEACH


Joanne Moston Kennedy
Mayor-Commissioner


Phillip J. Hanna
City Commissioner


Edward G. Hoodnagle
City Commissioner


Diane Flagg
City Commissioner


Joe McCall
City Commissioner

CC: Governor, State of Florida
Pinellas Co. Legislative Delegation
Florida House of Representatives, Regulatory Reform Subcommittee
Pinellas Co. Mayors
City Commission
Senator Manny Diaz, Jr., District 36 (Sponsor of SB 522)
Representative Jason Fischer, District 16 (Cosponsor of HB 219)



Administrative
727/595-2517

Building/Planning & Zoning
727/517-0404
727/596-4759 (Fax)

Library
727/596-1822

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

October 12, 2019
brandes.jeff.web@flsenate.gov

The Honorable Jeff Brandes
Florida Senate, District 24
9800 4th Street North, Suite 200
St. Petersburg, FL 33702

RE: SHORT-TERM VACATION RENTALS

Dear Senator Brandes,

The City of Indian Rocks Beach appreciates your service to the State of Florida. Historically, cities in Florida were allowed, by home rule, to develop and adopt land development codes that reflected the character of our communities. In 2011, the State abolished the right of local governing bodies to regulate vacation rentals. In 2014, the Florida Senate passed a bill, by a vote of 37 to 2, to fully repeal the 2011 law. The vacation rental lobby diluted the final bill which resulted in the passage of a bill that created more confusion.

The subsequent effect resulted in the establishment of incompatible vacation rental housing operations in traditional residential areas. In our residentially-zoned areas, conversion of traditional single family houses to commercial vacation rental operations are occurring on a daily basis. In the last six months, over one hundred and thirty (130) homes have been converted. Many houses are being purchased by non-resident investors who do not share the small town feel or concerns of our residents.

The character of our traditional neighborhoods is drastically being altered as they evolve from residential to commercial operations. This evolution creates public safety-related issues as these dwellings are not subject to the same fire and safety codes as traditional commercial operations. For many years our codes provided protection and a sense of place for all of our zoning districts. These provisions provided a great diversity for rental opportunities, but also gave our residents in residential zones the peace of mind that their homesteaded property was protected. For the majority of people that purchase a home, it is the largest financial investment of their lives. Many of our full time residents now feel that their property rights have been compromised and their quality of life has been forever changed.

Senator Jeff Brandes

October 12, 2019

Page 2 of 2

The elimination of home rule as it relates to vacation rentals has resulted in many Bert Harris claims in response to local governments' efforts to find alternative legislative solutions. The City of Anna Maria Island is facing claims totaling \$5.3 Million and \$22.7 Million in Flagler County. Some of these claims have been settled resulting in large monetary costs. Our city embraces tourism, but the pervasive conversion of traditional single family houses to commercial operations is not an appropriate change to the character of the city.

Airbnb contributed over \$1.2 Million to state political campaigns during the 2018 election cycle. Our small city cannot compete with these resources.

All of these issues were created by the 2011 law that deviated from the traditional principle of home rule. The Florida Legislature and Governor should allow local governments like ours to manage our communities and zoning districts by returning to traditional Florida home rule principles. Allowing the expansion of vacation rentals in our neighborhoods without local control should never have occurred.

The City of Indian Rocks Beach urges the Florida Legislature and Governor DeSantis to take the necessary steps to restore home rule and the ability to regulate vacation rentals to local governments like ours.

Sincerely,

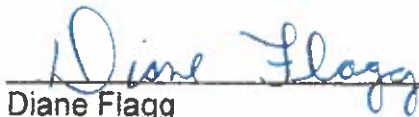
THE CITY OF INDIAN ROCKS BEACH



Joanne Moston Kennedy
Mayor-Commissioner



Nick Palomba
Vice Mayor-Commissioner



Diane Flagg
City Commissioner



Phillip J. Hanna
City Commissioner



Edward G. Hoofnagle
City Commissioner

/dor



City of Indian Rocks Beach

1507 Bay Palm Boulevard Indian Rocks Beach, Florida 33785
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727/517-0404
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Library
727/596-1822

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

October 12, 2019

ben.diamond@myfloridahouse.gov

The Honorable Ben Diamond
Florida House of Representatives, District 68
425 22nd Avenue North, Suite C
St. Petersburg, Florida 33704

RE: SHORT-TERM VACATION RENTALS

Dear Representative Diamond,

The City of Indian Rocks Beach appreciates your service to the State of Florida. Historically, cities in Florida were allowed, by home rule, to develop and adopt land development codes that reflected the character of our communities. In 2011, the State abolished the right of local governing bodies to regulate vacation rentals. In 2014, the Florida Senate passed a bill, by a vote of 37 to 2, to fully repeal the 2011 law. The vacation rental lobby diluted the final bill which resulted in the passage of a bill that created more confusion.

The subsequent effect resulted in the establishment of incompatible vacation rental housing operations in traditional residential areas. In our residentially-zoned areas, conversion of traditional single family houses to commercial vacation rental operations are occurring on a daily basis. In the last six months, over one hundred and thirty (130) homes have been converted. Many houses are being purchased by non-resident investors who do not share the small town feel or concerns of our residents.

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Representative Ben Diamond
October 12, 2019
Page 2 of 2

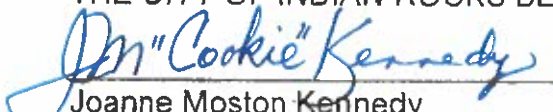
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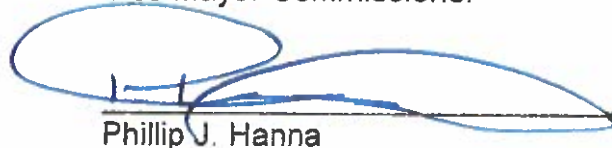
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October 12, 2019

nick.diceglie@myfloridahouse.gov

The Honorable Nick DiCeglie
Florida House of Representatives, District 66
1940 West Bay Drive, Suite 4
Largo, Florida 33770

RE: SHORT-TERM VACATION RENTALS

Dear Representative DiCeglie,

The City of Indian Rocks Beach appreciates your service to the State of Florida. Historically, cities in Florida were allowed, by home rule, to develop and adopt land development codes that reflected the character of our communities. In 2011, the State abolished the right of local governing bodies to regulate vacation rentals. In 2014, the Florida Senate passed a bill, by a vote of 37 to 2, to fully repeal the 2011 law. The vacation rental lobby diluted the final bill which resulted in the passage of a bill that created more confusion.

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Representative Nick DiCeglie
October 12, 2019
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October 12, 2019
dane.eagle@myfloridahouse.gov

The Honorable Dane Eagle
Majority Leader, Florida House of Representatives
1039 SE 9th Place, Suite 310
Cape Coral, Florida 33990

RE: SHORT-TERM VACATION RENTALS

Dear Representative Eagle,

The City of Indian Rocks Beach appreciates your service to the State of Florida. Historically, cities in Florida were allowed, by home rule, to develop and adopt land development codes that reflected the character of our communities. In 2011, the State abolished the right of local governing bodies to regulate vacation rentals. In 2014, the Florida Senate passed a bill, by a vote of 37 to 2, to fully repeal the 2011 law. The vacation rental lobby diluted the final bill which resulted in the passage of a bill that created more confusion.

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The Honorable Dane Eagle
October 12, 2019
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October 12, 2019
galvano.bill.web@flsenate.gov

The Honorable Bill Galvano
President of the Florida Senate
1023 Manatee Avenue W., Suite 201
Bradenton, Florida 34205

RE: SHORT-TERM VACATION RENTALS

Dear Senator Galvano,

The City of Indian Rocks Beach appreciates your service to the State of Florida. Historically, cities in Florida were allowed, by home rule, to develop and adopt land development codes that reflected the character of our communities. In 2011, the State abolished the right of local governing bodies to regulate vacation rentals. In 2014, the Florida Senate passed a bill, by a vote of 37 to 2, to fully repeal the 2011 law. The vacation rental lobby diluted the final bill which resulted in the passage of a bill that created more confusion.

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October 12, 2019

gibson.audrey.web@flsenate.gov

The Honorable Audrey Gibson
Minority Leader, Florida Senate
101 E. Union Street, Suite 104
Jacksonville, Florida 32202

RE: SHORT-TERM VACATION RENTALS

Dear Senator Gibson,

The City of Indian Rocks Beach appreciates your service to the State of Florida. Historically, cities in Florida were allowed, by home rule, to develop and adopt land development codes that reflected the character of our communities. In 2011, the State abolished the right of local governing bodies to regulate vacation rentals. In 2014, the Florida Senate passed a bill, by a vote of 37 to 2, to fully repeal the 2011 law. The vacation rental lobby diluted the final bill which resulted in the passage of a bill that created more confusion.

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The Honorable Audrey Gibson

October 12, 2019

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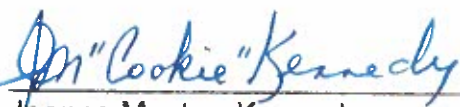
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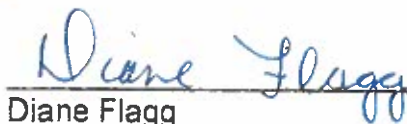
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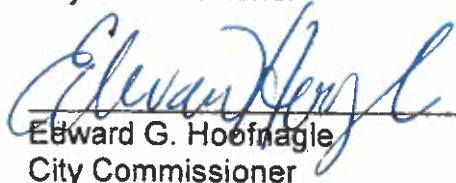
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Public Services
727/595-6889
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October 12, 2019

james.grant@myfloridahouse.gov

The Honorable James W. Grant
Florida House of Representatives, District 64
12972 N. Dale Mabry Highway
Tampa, Florida 33618

RE: SHORT-TERM VACATION RENTALS

Dear Representative Grant,

The City of Indian Rocks Beach appreciates your service to the State of Florida. Historically, cities in Florida were allowed, by home rule, to develop and adopt land development codes that reflected the character of our communities. In 2011, the State abolished the right of local governing bodies to regulate vacation rentals. In 2014, the Florida Senate passed a bill, by a vote of 37 to 2, to fully repeal the 2011 law. The vacation rental lobby diluted the final bill which resulted in the passage of a bill that created more confusion.

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October 12, 2019

hooper.ed.web@flsenate.gov

The Honorable Ed Hooper
Florida Senate, District 16
3450 East Lake Road, Suite 305
Palm Harbor, Florida 34685

RE: SHORT-TERM VACATION RENTALS

Dear Senator Hooper,

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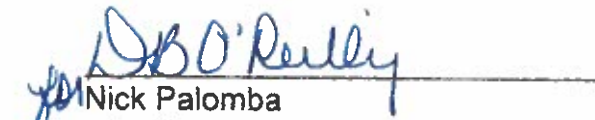
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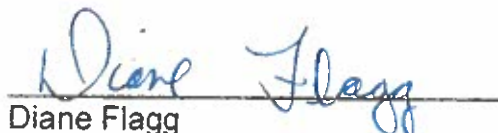
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October 12, 2019

chris.latvala@myfloridahouse.gov

The Honorable Chris Latvala
Florida House of Representatives, District 67
2963 Gulf to Bay Boulevard, Suite 206
Clearwater, Florida 33759

RE: SHORT-TERM VACATION RENTALS

Dear Representative Latvala,

The City of Indian Rocks Beach appreciates your service to the State of Florida. Historically, cities in Florida were allowed, by home rule, to develop and adopt land development codes that reflected the character of our communities. In 2011, the State abolished the right of local governing bodies to regulate vacation rentals. In 2014, the Florida Senate passed a bill, by a vote of 37 to 2, to fully repeal the 2011 law. The vacation rental lobby diluted the final bill which resulted in the passage of a bill that created more confusion.

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The Honorable Chris Latvala
October 12, 2019
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October 12, 2019

marylynn.magar@myfloridahouse.gov

The Honorable MaryLynn Magar
The Speaker Pro Tempore, Florida House of Representatives
11700 SE Dixie Highway
Hobe Sound, Florida 33455

RE: SHORT-TERM VACATION RENTALS

Dear Representative Magar,

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The Honorable MaryLynn Magar
October 12, 2019
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Sincerely,
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Mayor-Commissioner


Nick Palomba
Vice Mayor-Commissioner


Diane Flagg
City Commissioner


Phillip J. Hanna
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Edward G. Hoofnagle
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/dor



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727/595-2517

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727/517-0404
727/596-4759 (Fax)

Library
727/596-1822

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

October 12, 2019

kionne.mcghee@myfloridahouse.gov

The Honorable Kionne L. McGhee
Democratic Leader, Florida House of Representatives
10720 Caribbean Boulevard, Suite 435
Cutler Bay, Florida 33189

RE: SHORT-TERM VACATION RENTALS

Dear Representative McGhee,

The City of Indian Rocks Beach appreciates your service to the State of Florida. Historically, cities in Florida were allowed, by home rule, to develop and adopt land development codes that reflected the character of our communities. In 2011, the State abolished the right of local governing bodies to regulate vacation rentals. In 2014, the Florida Senate passed a bill, by a vote of 37 to 2, to fully repeal the 2011 law. The vacation rental lobby diluted the final bill which resulted in the passage of a bill that created more confusion.

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The Honorable Kionne L. McGhee
October 12, 2019
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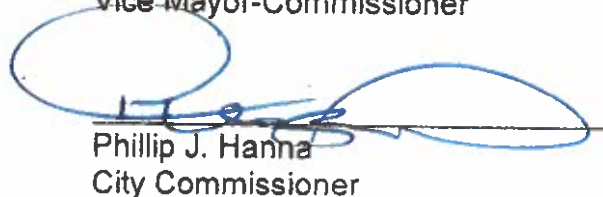
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Library
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October 12, 2019

newt.newton@myfloridahouse.gov

The Honorable Wengay Newton
Florida House of Representatives, District 70
541 49th Street South
St. Petersburg, Florida 33707

RE: SHORT-TERM VACATION RENTALS

Dear Representative Newton,

The City of Indian Rocks Beach appreciates your service to the State of Florida. Historically, cities in Florida were allowed, by home rule, to develop and adopt land development codes that reflected the character of our communities. In 2011, the State abolished the right of local governing bodies to regulate vacation rentals. In 2014, the Florida Senate passed a bill, by a vote of 37 to 2, to fully repeal the 2011 law. The vacation rental lobby diluted the final bill which resulted in the passage of a bill that created more confusion.

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The Honorable Wengay Newton
October 12, 2019
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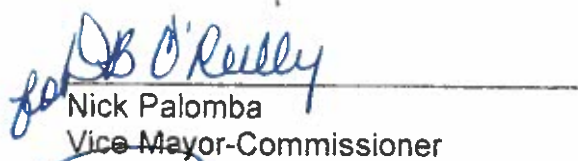
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October 12, 2019

jose.oliva@myfloridahouse.gov

The Honorable Jose Oliva
The Speaker of the Florida House of Representatives
3798 W. 12th Avenue, Suite A
Hialeah, Florida 33012

RE: SHORT-TERM VACATION RENTALS

Dear Representative Oliva,

The City of Indian Rocks Beach appreciates your service to the State of Florida. Historically, cities in Florida were allowed, by home rule, to develop and adopt land development codes that reflected the character of our communities. In 2011, the State abolished the right of local governing bodies to regulate vacation rentals. In 2014, the Florida Senate passed a bill, by a vote of 37 to 2, to fully repeal the 2011 law. The vacation rental lobby diluted the final bill which resulted in the passage of a bill that created more confusion.

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The Honorable Jose Oliva
October 12, 2019
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October 12, 2019

passidomo.kathleen.web@flsenate.gov

The Honorable Kathleen Passidomo
Majority Leader, Florida Senate
3299 E. Tamiami Trail, Suite 203
Naples, Florida 34112

RE: SHORT-TERM VACATION RENTALS

Dear Senator Passidomo,

The City of Indian Rocks Beach appreciates your service to the State of Florida. Historically, cities in Florida were allowed, by home rule, to develop and adopt land development codes that reflected the character of our communities. In 2011, the State abolished the right of local governing bodies to regulate vacation rentals. In 2014, the Florida Senate passed a bill, by a vote of 37 to 2, to fully repeal the 2011 law. The vacation rental lobby diluted the final bill which resulted in the passage of a bill that created more confusion.

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The Honorable Kathleen Passidomo
October 12, 2019
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October 12, 2019

rouson.darryl.web@flsenate.gov

The Honorable Darryl E. Rouson
Florida Senate, District 19
535 Central Avenue, Suite 302
St. Petersburg, Florida 33701

RE: SHORT-TERM VACATION RENTALS

Dear Senator Rouson,

The City of Indian Rocks Beach appreciates your service to the State of Florida. Historically, cities in Florida were allowed, by home rule, to develop and adopt land development codes that reflected the character of our communities. In 2011, the State abolished the right of local governing bodies to regulate vacation rentals. In 2014, the Florida Senate passed a bill, by a vote of 37 to 2, to fully repeal the 2011 law. The vacation rental lobby diluted the final bill which resulted in the passage of a bill that created more confusion.

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The Honorable Darryl E. Rouson
October 12, 2019
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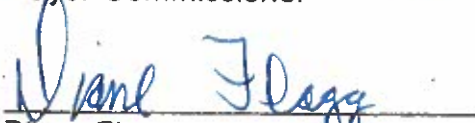
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Library
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Public Services
727/595-6889
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October 12, 2019

jennifer.webb@myfloridahouse.gov

The Honorable Jennifer Webb
Florida House of Representatives, District 69
6798 Crosswinds Drive, Suite C-105
St. Petersburg, Florida 33710

RE: SHORT-TERM VACATION RENTALS

Dear Representative Webb,

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The Honorable Jennifer Webb

October 12, 2019

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October 12, 2019

simmons.david.web@flsenate.gov

The Honorable David Simmons
President Pro Tempore, Florida Senate
220 Crown Oak Centre Drive
Longwood, Florida 32750

RE: SHORT-TERM VACATION RENTALS

Dear Senator Simmons,

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The Honorable David Simmons
October 12, 2019
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October 12, 2019

chris.sprowls@myfloridahouse.gov

The Honorable Chris Sprowls
Florida House of Representatives, District 65
2364 Boy Scout Road, Suite 100
Clearwater, Florida 33763

RE: SHORT-TERM VACATION RENTALS

Dear Representative Sprowls,

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The Honorable Chris Sprowls
October 12, 2019
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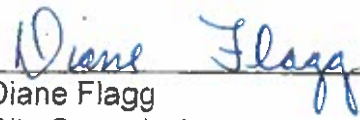
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**INDIAN ROCKS BEACH
CITY COMMISSION WORK SESSION
NOVEMBER 14, 2017**

Attachment # 6

**MINUTES
CITY OF INDIAN ROCKS BEACH
CITY COMMISSION WORK SESSION**

The Indian Rocks Beach City Commission Work Session was held on **TUESDAY, NOVEMBER 14, 2017**, in the City Commission Chambers, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida.

Mayor-Commissioner Johnson called the meeting to order at 4:02 p.m.

PRESENT: Mayor R.B. Johnson
Vice Mayor Joanne "Cookie" Kennedy
Commissioner Phillip J. Hanna
Commissioner Edward G. Hoofnagle
Commissioner Philip M. Wrobel
City Attorney Randy D. Mora
City Manager Brently Gregg Mims
City Clerk Deanne B. O'Reilly, MMC

1. DISCUSSION of short-term vacation rentals.

City Manager Mims provided a brief history on short-term rentals concerning Legislative Bills and the City Code.

In 2011, the Legislature passed its first Bill on short-term rentals preempting cities from regulating short-term rentals. The legislation passed in 2011 included a provision that "grandfathered" any ordinance regulating short-term rentals prior to June 1, 2011. If that language was amended in any way, the existing language became null and void.

In 2014, the Legislature passed SB 356 which diminished the preemption on short-term rentals. The law allows local governments to adopt ordinances specific to these rentals, so they can address some of the noise, parking, trash, and life-safety issues created by their proliferation in residential neighborhoods. SB 356 left in place existing statutory language stating that cities cannot "prohibit" short-term rentals, or regulate the duration or frequency of the rental.

Unfortunately for the City, in 2011 and 2012, the IRB City Commission changed the Land Development Code by amending the duration of stay and location for short-term rentals causing the City to lose its "grandfathering".

City Manager Mims stated the draft ordinance only applies to three different zoning districts: Single Family ("S"), Medium Density ("RM 2"), and Medium Density Duplex Residential ("RM 1") Districts.

City Attorney Mora stated the City Commission cannot pass any ordinance that regulates the duration or frequency of short-term rentals.

City Attorney Mora reviewed the three options that are available to the City on short-term rentals:

- Do nothing, and leave the City Code as is.
- Draft an ordinance that memorializes more explicitly, creating a new section for short-term rentals.
- Create a Short-Term Rental Application/Permit.

The City Commission reviewed the ordinance page-by-page.

Sec. 110-840. Applicability.

This section shall apply to a single-family dwelling or a two-family dwelling 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. This section shall not apply to short term vacation rentals within a multi-family residential building or a group of multi-family residential buildings, which includes three (3) or more individual dwelling units within such building or group of buildings. This section shall not apply to any facilities that are occupied on a full-time basis by the owner as an on-premises permanent resident.

City Attorney Mora stated this ordinance does not apply to condominiums or apartment buildings. The ordinance applies to single and two-family dwelling structures that are located within the single family ("S"), medium density ("RM 2"), and medium density duplex residential ("RM 1") districts.

Commissioner Wrobel stated triplexes should be included in Section 110-840, with City Attorney acknowledging that Section 110-840 needs to be clarified to include triplexes.

Mayor Johnson stated there are a series of stone cottages on one parcel, but there are three separate cottages that are rented out.

Sec. 110-841. Definitions.

The following terms as used in 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 routine inspections, non-routine complaints, and other immediate problems relating to or emanating from the short-term vacation rental of the transient public lodging establishment.

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 single-family dwelling or a two-family dwelling house which is also a "transient public lodging establishment." 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 single-family dwelling or a two-family dwelling, 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. 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.

Commissioner Hoofnagle inquired if the term "transient public lodging establishment" is an official legal word.

City Attorney Mora stated "transient public lodging establishment" is defined to functionally be in coexistence with short-term rentals, and that was part of what was changed in the City Code in 2011 and 2012 to bring this class of use into that definition. He will verify that "transient public lodging establishment" was brought into that term of art use.

Commissioner Hoofnagle inquired if his residence, that he owns, becomes a "transient public lodging establishment" by law if he rents out his house six months of the year.

City Attorney Mora stated his impression is yes; however, he will look into the issue.

Division II. Requirements

Sec. 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.*

There was no discussion by the City Commission on this section.

Sec. 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 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 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, however, the number of cars parked at a short term rental shall not exceed the paved parking surfaces available at the property.

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.

Commissioner Hoofnagle stated the ordinance states inspections "may" be made by the City. The inspections deal with life and health safety and fire prevention, so in the event an inspection is not done, and there is a violation, and someone dies, does the City have any kind of liability because the City failed to inspect the transient public lodging establishment.

City Manager Mims stated no matter what the City's ordinance states, the Fire District retains its right to inspect vacation rentals.

Commissioner Hoofnagle inquired what happens if there is a dilapidated fence around a pool and someone gets hurt and the City did not inspect the property, is the City liable then because no inspection was done.

City Manager Mims stated there would be no difference if a house was built to code, and through the years, the property was neglected and not kept up.

Commissioner Hoofnagle inquired if the City has any liability if vacation rentals are not inspected.

City Attorney Mora stated no, the City would not have outright liability for a failure to inspect the property on an elective basis.

There was discussion on the City inspecting all short-term rentals when a business license tax receipt is issued and having a fee for the inspection to cover costs for an additional employee as the City does not have enough personnel to perform these inspections.

The City Manager and the City Attorney explained their recommendation that inspections "may" be made stems for the Bert Harris Act, selective enforcement, lessons learned from other cities, permit fees, legal challenges.

Vice Mayor Kennedy stated she has received complaints from residents that live on the east side of Gulf Boulevard, but no complaints from the west side of Gulf Boulevard.

Mayor Johnson commented when it comes down to it, what is the reasonable expectation that somebody should have as far as quality of life in any one zoning district that they live in.

Mayor Johnson stated the City has a unique situation with a different type of use in the single-family district that was not set up for that type of use. The legitimate question as far as requirements in an ordinance would have more to do with making certain that the quality of life for the surrounding neighborhood is protected as opposed to putting in requirements that are trying to deflect or discourage the moving in of short-term rental activity because that is prohibited by the Florida Legislature.

Commissioner Wrobel inquired if business tax receipts require an inspection by the City, County, or State.

City Manager Mims stated the City's business tax receipts do not require an inspection; however, the Florida Department of Business and Professional Regulation is supposed to make an annual inspection.

In response to Vice Mayor Kennedy's question, City Attorney Mora stated he and the City Manager discussed creating a certificate/permit and specific penalties for short-term rentals, but with this, comes an entire administrative regime that the City does not have in place right now and it is added exposure to potential liability.

City Manager Mims stated the beach communities will see an increase in short-term rentals because of economics.

Commissioner Hoofnagle stated he likes the concept of the ordinance, but he feels Section 110-843(1)(2) should be deleted, and the ordinance should focus on noise and quality of life as Section 110-843(1)(2) creates a glaring contradiction based on zoning.

CONSENSUS OF THE CITY COMMISSION TO MAKE SECTION 110-843(2) MORE BROAD.

City Manager Mims stated Section 110-846 (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,*" addresses the noise issue, and inquired if the City Commission would like to clarify this section more.

Sec. 110-844. Responsible Party.

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.

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 handling any issues 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.

CONSENSUS OF THE CITY COMMISSION TO CLARIFY THE LANGUAGE IN SECTION 110-844(b).

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

1. There shall be a written lease or rental agreement between the owner of the short term vacation rental property and any lessees or tenants. The written lease or rental agreement 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.*

CONSENSUS TO CHANGE THE WORDING OF "WRITTEN" LEASE OR RENTAL AGREEMENT TO INCLUDE "ELECTRONIC" DOCUMENTS.

Sec. 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.*

CONSENSUS TO ADD 911 AND NON-EMERGENCY TELEPHONE NUMBERS.

Sec. 110-847. Offenses/Violations.

Non-compliance with any provisions of this Article shall constitute a violation of this Article.

Each day a violation exists shall constitute a separate and distinct violation.

The City Commission made no amendments to Section 110-847.

Sec. 110-848. Remedies/Enforcement.

1. Violations. *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.*

The City Commission made no amendments to Section 110-848.

Mayor Johnson opened the public comment session for this agenda item.

Todd Plumlee, 469 Harbor Drive North, stated his company rents short-term vacation rentals and stated he supports the draft ordinance. He suggested the City Commission may want to consider liability insurance naming the City as the additional insurer.

Mr. Plumlee suggested the City Commission consider standard real estate sign dimensions versus a one square foot in size on each side.

Commissioner Hoofnagle suggested the owners post if they have liability insurance or not pursuant to Section 110-846.

City Attorney Mora stated the requirement for liability insurance was not in any of the ordinances he reviewed, and he would have to research the issue to ensure there is no preemption element.

Jim Labadie, 316 10th Avenue, stated he is also in this business, and it really boils down to one topic, the behavior problem of the renters. How does the City deal with the "lazy man" renter who does not care if the surrounding neighborhood is disturbed.

CONSENSUS TO SCHEDULE SHORT-TERM VACATION RENTALS ON THE JANUARY 9, 2018 REGULAR CITY COMMISSION MEETING AS A WORK SESSION ITEM.

2. ADJOURNMENT.

THE MEETING WAS ADJOURNED AT 5:45 P.M.

December 12, 2017

Date Approved

R.B. Johnson, Mayor-Commissioner

ATTEST: _____
Deanne B. O'Reilly, MMC, City Clerk

/dor



**INDIAN ROCKS BEACH
REGULAR CITY COMMISSION MEETING
JANUARY 9, 2018**

Attachment # 7

8A. DISCUSSION OF short-term rentals.

BACKGROUND: The city commission held a work session on November 14, 2017, to discuss short-term rentals. For that work session, limited revisions were made based upon the city commission comments to the extent there was apparent consensus on certain issues.

ANALYSIS:

- Revision of sections 110-840 and 110-841 to clarify that these restrictions only apply to structures in the S, RMS, and RM1 zoning districts.
- Definitions amended: Designated responsible party, short-term vacation rental, and transient public lodging establishment.
- Enhanced the requirements of the posted sign in section 110-844.
- Modified section 110-844.2.a. to clarify the duty of designated responsible party.

City Attorney Mora introduced the Agenda Item and stated cities are prohibited from regulating the frequency or duration of short-term rentals as outlined in the state's preemption clause. However, cities are able to regulate other aspects of short-term rentals.

City Attorney Mora stated staff has been working on a short-term rental ordinance to bring to the city commission for discussion that requires short-term rentals to obtain a Florida Department of Revenue certificate, a Florida Department of Business and Professional Regulation license, a city's business tax receipt, requires minimum life/safety requirements, inspections by the city, parking standards, meet any other standards contained in the city's code of ordinances and land development code. The proposed ordinance also requires a short-term rental to post contact information, and lists the duties of the short-term vacation rental responsible party, minimum rental/lease requirements, and offenses/violations.

City Attorney Mora stated the top five counties for the Airbnb platform only are: Miami-Dade, Osceola County, Broward County, Orange County, and Pinellas County. Pinellas County is number five with an estimated \$24.5 million in revenue for 140,200 guests. This is an issue in the marketplace; it is motivating tourism.

City Attorney Mora stated the biggest concern with short-term rentals now is "*I don't want the use by me.*" Cities cannot change whether or not the use is permitted all together as the state has preempted cities from regulating duration and frequency. However, cities can regulate aspects of that use, but not duration or frequency.

City Attorney Mora stated Florida legislators are receiving pressure from the companies that are taking on \$2 million cash infusions to make substantial investments in the region, they are receiving pressure from homeowners who have

used short-term rentals as a way to supplement or otherwise primarily source their incomes. He stated there are competing interests here and competing narratives. One of the narratives is *"this is America, my private property rights, leave me alone, I'll do with my house as I please"* and the other interest is *"I have to live next to that, can you believe what I have to deal with"*.

City Attorney Mora stated the city commission is not ignorant of those competing interests. He stated the city commission lives it and hears it from residents and city staff.

City Attorney Mora stated the Florida legislation session started this week, and three bills have already been filed on regulating short-term rentals that he briefly reviewed: SB1400, HB773, and HB789.

City Attorney Mora reviewed the revised language of the proposed short-term rental ordinance on the city commission's comments during the November 14, 2017 City Commission Work Session.

- Sections 110-840 and 110-841 have been revised to clarify that these restrictions only apply to structures in the S, RM2, and RM1 zoning districts.
- Enhanced the requirements of the posted sign in section 110-844.
- Modifies section 110-844.2.a. to clarify the duty of the designated responsible party who is the individual that should be accountable or responsive to issues as they are presented.

City Attorney Mora stated after he transmitted the proposed ordinance, he did receive feedback from one city commissioner that the city commission did talk about broadening the reporting requirements for short-term rental lease agreement minimum provisions (section 110-845) to capture all aspects of rental/lease agreements, occupancy agreement terminology and electronically. He stated this revision will be incorporated going forward.

Section 110-841, Definitions.

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 single-family dwelling or a two-family dwelling, 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. 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.

Commissioner Hoofnagle suggested the definitions of "transient occupants" and "transient public lodging establishment" be revised to ensure that a home where a single room might be rented, but the whole residence is not rented, which is sometimes called an owner-occupied establishment. He believes that the likelihood of the quality of life complaints, which is what the city is trying to control, will be low, and he was hoping the city commission could exempt owner-occupied residents from the definitions of "transient occupants" and "transient public lodging establishment".

City Attorney Mora stated from a legal standpoint, there are some communities who have made that distinction and it is not without precedent.

Vice Mayor Kennedy stated the Florida legislature prohibits the regulation of duration and frequency and there is only a certain amount of regulations cities can place on short-term rentals. She stated if more than that is done, and if the Florida legislature feels cities are regulating to an extreme, then the city can be sued for that, such as Flagler County and St. Johns County.

Commissioner Wrobel inquired of Commissioner Hoofnagle why he is suggesting this revision.

Commissioner Hoofnagle stated the purpose of this ordinance is to control the quality of life interruptions that happen in uncontrolled rentals in the residential neighborhoods, and he does believe the likelihood of that happening is low where a homeowner is living there full time and is just renting out a bedroom. This is not where the problems lie, he thinks they lie in the nice house, in the residential neighborhood, that gets rented out for the week and a hundred people come and have a big party in the backyard. That is the problem and that is what needs to be controlled.

Commissioner Hoofnagle stated the city does not have to have a special ordinance to enforce the city's noise and quality of life issues. The city just needs to know where the problems are by having proactive communication with law enforcement and by tracking the problems. When a rental becomes a problem, the city needs to go in there and enforce the existing city codes, which does not require this ordinance. Although he does support this ordinance.

Commissioner Wrobel stated rentals should be bulked all in together, because the city cannot guarantee the person renting out the room or the property homeowner will be responsible. He would like the ordinance to be broad, so the city is not taken to court.

Commissioner Hanna stated he agrees with Commissioner Wrobel only for the reason if people can find a way to get around something, they will.

There was no consensus to revise the definitions of "transient occupants" and "transient public lodging establishment" as suggested by Commissioner Hoofnagle.

Commissioner Hoofnagle referred to the repeated noise violations and stated the city needs to enforce its noise ordinance and also keep track of them.

City Manager Mims stated if the noise has stopped prior to the PCSO showing up, then the PCSO will need a witness to the noise violation in order to cite the violator.

City Manager Mims stated he will ask the PCSO to break down the noise complaints into local establishments, rentals, and others in their monthly report.

City Attorney Mora cautioned against the city commission moving in any direction where there is a consequence for a complaint and no evidence.

Commissioner Hoofnagle stated the city needs to address its citizens' concerns and the city has to do something that controls the quality of life disturbances because neighbors do not care about rentals as long as they do not interrupt their lifestyle.

City Manager Mims stated when there are repeat property problems, the city or the PCSO, on a regular basis, will reach out to the property owner to make them aware of the problem(s).

3. Parking Standards.

There shall be one off-street parking space for each bedroom, however, the number of cars parked at a short-term rental shall not exceed the paved parking surfaces available at the property.

Mayor Johnson referred to section 110-843(3), parking standards, stated the bulk activity in general can be disturbing. In other words, there is more activity coming and going where there was once a quiet neighborhood.

Mayor Johnson stated does this section centrally aim at the notion that a person cannot have extra cars parking on the grass and things of that nature as opposed to parking on the street because the city cannot really restrict the street parking or can the City?

City Manager Mims stated City Administration can restrict street parking and it is done on a regular basis. He stated there is nothing in the city code that prevents people from parking in their yards.

Commissioner Wrobel stated many property owners do park on their front lawn because they have three cars with a single driveway and inquired if this would become a problem because they are going to say "well, your residents are, why can't we."

City Attorney Mora stated that is a possibility, but there is nothing that limits the city's ability to regulate properties based on use. He stated he and the city manager will revisit the parking standards.

Commissioner Wrobel stated the owner should be the responsible part and not the designated responsible party, because that is still putting a buffer in between the City, PCSO, everybody, and the owner when it comes down to the problem.

City Attorney Mora stated the designated responsible party is not the person who takes or is responsible for citation of violations; that still remains with the owner. The designated responsible party, as it is phrased in this ordinance, is to be the person on the ground responding to complaints.

City Manager Mims stated the ordinance does state the designated responsible party or the property owner may be cited for violations and notices.

City Attorney Mora stated the first tier of this ordinance is a requirement to register with the state, and then to register with the city for purpose of the business tax receipts. The city is capturing owner data, and yes, the city manager is correct in that this ordinance makes it so the designated responsible party may be cited for violations and notices.

Jean Scott, 420 Harbor Drive South, inquired if the city is investigating whether or not these rental property owners are claiming homestead or not.

City Manager Mims explained the process and stated the city will be cross-checking with the Pinellas County Property Appraiser for homestead status.

Jim Palamara, 102 15th Avenue, stated the city should be more concerned with the condition of local alcoholic establishments versus short-term rentals.

Don House, 2104 Beach Trail, inquired if the city can regulate short-term rentals like motels and bed and breakfasts.

City Attorney Mora responded yes and there are aspects of that in the proposed ordinance.

Bill Thomas, 470 20th Avenue, inquired if the proposed ordinance is applicable to home care/live-in nurses, with City Manager Mims responding in the negative.

City Attorney Mora read the definition of transient public lodging establishment: "a structure rented to guests more than three times in a calendar year for periods of less than 30 days or more or one calendar month, whichever is less. . ."

Mayor Johnson closed the public session comments for this agenda item.

City Manager Mims reviewed the process for land development ordinances: City commission workshops the proposed issue; then it is forwarded to the planning and zoning board and the local planning agency, and back to the city commission for two public hearings.

City Manager Mims stated the proposed ordinance, once it is updated, will be posted on the city's website.

Vice Mayor Kennedy reviewed the highlights of the proposed ordinance.

9. OTHER BUSINESS. None.

10. ADJOURNMENT.

MOTION MADE BY COMMISSIONER HANNA, SECONDED BY COMMISSIONER HOOFNAGLE, TO ADJOURN THE MEETING AT 9:03 P.M. UNANIMOUS APPROVAL BY ACCLAMATION.

February 13, 2018

Date Approved

R.B. Johnson, Mayor-Commissioner

ATTEST: _____

Deanne B. O'Reilly, MMC, City Clerk

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**INDIAN ROCKS BEACH
CITY COMMISSION WORK SESSION
APRIL 10, 2018**

Attachment # 8

**MINUTES
CITY OF INDIAN ROCKS BEACH
CITY COMMISSION WORK SESSION**

The Indian Rocks Beach City Commission Work Session was held on **TUESDAY, APRIL 10, 2018**, in the City Commission Chambers, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida.

Mayor-Commissioner Kennedy called the meeting to order at 4:02 p.m.

PRESENT: Mayor-Commissioner Joanne "Cookie" Moston-Kennedy
Vice Mayor-Commissioner Edward G. Hoofnagle
Commissioner Phillip J. Hanna
Commissioner Philip M. Wrobel
City Attorney Randy D. Mora
City Manager Brently Gregg Mims
City Clerk Deanne B. O'Reilly, MMC

ABSENT: Commissioner Nick Palomba (*via telephone*)

City Manager Mims stated, for the record, that Commissioner Palomba is out of town and will be participating in the work session via telephone.

1. DISCUSSION of short-term vacation rentals.

City Attorney Mora briefly reviewed the history of short-term rentals, HB 883, F.S. 509.032, and SB 356.

City Attorney Mora stated the City cannot prohibit short-term rentals in part because the City is illegally forbidden by the Florida Legislature to do so.

City Attorney Mora stated, in the State of Florida, local jurisdictions, cities, towns, counties, districts, villages, municipalities enjoy something called "Home Rule". Home Rule means cities have the power to do anything and everything to police their communities, so long as those matters have not been reserved by the Legislature, and the Legislature does that in the statute. There is not one statute that has the list of preemptions by the Legislature; they are peppered all over Florida Laws.

City Attorney Mora read from a judicial opinion, from Flagler County, that analyzed preemption as it relates to short-term vacation rentals. "*Florida Law*

recognizes two types of preemption, expressed and implied. Expressed preemption requires a specific Legislative statement. It cannot be implied or deferred. Implied preemption is found where the State Legislative scheme of regulation is pervasive and the local legislation would present the danger of conflict with that pervasive regulatory scheme. Determining whether implied preemption exist requires the Court to look to the provision of the entire law as well as to its objective and policy."

City Attorney Mora stated as a matter of practice, the only real issue where implied preemption exist is in the Election Laws. Generally speaking, expressed preemption must exist and that is what is here. The Legislature stated in F.S. 509.032(7)(b) that communities cannot regulate the duration or frequency of short-term vacation rentals.

City Attorney Mora stated short-term vacation rentals are not a unique issue to the City. This issue is happening across the State and internationally.

City Attorney Mora briefly reviewed Airbnb data, including their legislative efforts, general revenue, tax revenue, and investment in the marketplace.

City Attorney Mora stated this is a work session on an ordinance for short-term vacation rentals. This ordinance applies 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 the medium density duplex residential ("RM-1") districts.

The ordinance proposes the following:

- Register with the Florida Department of Revenue for purpose of collecting and remitting tourist development taxes, sales surtaxes, and transient rental taxes.
- Register with the Florida Department of Business and Professional Regulation as a transient public lodging establishment.
- After first securing a certificate from the Florida Department of Revenue, and the Florida Department of Business and Professional Regulation, an applicant may then obtain a business tax receipt from the City.
- Establishing minimum life/safety requirements. Application of the Building Code, Safety Code, and Fire Code.
- Designation of a responsible party. A person who has been tasked with responding to requests for inspections, complaints or other problems relating to or emanating from the short-term vacation rental. The name and telephone number of the designated responsible party shall be

posted on a non-illuminated sign that is 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 no smaller than 48 point typeface. The sign must be constructed of weather resistant wood or plastic.

- Establishment of fines for not abiding by the rules and regulations.

City Attorney Mora stated the ordinance is trying to balance the competing interest of the residents with the marketplace and to allow government to operate as it should to police its community, preserve the aesthetics, culture, safety, health, and welfare while trying to mitigate and manage risk and litigation.

Mayor-Commissioner Kennedy opened up the public comment portion of this agenda item.

Jim Palamara, 102 15th Avenue, stated the City should be focusing on businesses who serve alcoholic beverages that do not follow the City Code rather than short-term vacation rentals.

Ashley Russell, 511 1st Street, stated she and her husband are owners of a vacation condo in the Royal Oaks Condominiums. She loves having the ability to spend time in IRB with her family on weekends and on vacations. In order to make owning a condo in IRB financially doable, they do rent to other families as well that are screened. She stated because it is so difficult to travel and stay in hotels with children, her condo has a crib, a high chair, and is baby-proofed. Her renters fall in love with Indian Rocks Beach, and they do come back and make Indian Rocks Beach their long term residence as well. She does not want spring breakers, partiers, or college students at her vacation rental any more than her neighbors do. She has the right to "kick out" renters who do not follow the rules. She or a family member is here at least once a month, and they have a relationship with their neighbors. Their neighbors have contact numbers if a problem or concern should arise. She stated if additional rules are put in place, it would make it more difficult to rent their condo. She stated many improvements have been made to their condo in order to make it safe for renters. She stated she is the HOA Secretary/Treasurer and stated the overall complex has been fixed up.

Jennifer Riley, 510 Janice Place, stated she lives in a single-family residential area and does not have any issues or problems with Airbnb or short-term renters overall. But, it is with the owners who do not take responsibility

for regulating their renters. She is currently experiencing noise and safety issues with the short-term rental residence at 610 Barry Place. It is a 3-bedroom, 1,300 square foot home being advertised that it sleeps 15. This owner lives in another state and there is no management on-site or local. There is another rental across the street that has not caused any problems or issues for the neighborhood; however, they have a management company that monitors and maintains the property. For example, they come and put the trash out on trash pickup days. It is all about how rentals are being managed.

Kelly Cisarik, 448 Harbor Drive South, stated Indian Rocks Beach should have the ability to issue its own license and that would be similar to Flagler County; however, they would still have to register with the Florida Department of Revenue and the Florida Department of Business and Professional Regulation. If IRB had its own separate licensure number that could be required to be placed on-line and on prints ads, that way it would be easier to track unlicensed activity. She stated one area that concerns her is the City trying to conduct inspections, she does not know if the City could, instead, require owner certification that each property has certain things, like smoke detectors and fire extinguishers, but if older properties that were built in the 1950's and 1960's are inspected by the City, it might make the City liable for things like American With Disability Act, egress windows, and it might get complex.

Ms. Cisarik stated a good way to deal with "bad actors" might be to treat licensees like the City treats its local bars in that the City has the ability to revoke a liquor license for a bar that has constant fights or noise violations. If the City had a three strike and out provision that was attached to the City's short-term rentals, then that would give rental owners or agents an incentive to make sure that their renters are complying with City regulations.

Adrienne Dauses, 2008 Gulf Boulevard, stated she is a real estate agent, and property manager, and her property management business is in Indian Rocks Beach. Currently, she manages two multi-units and three single-family homes. They range from a two-night minimum stay to yearly rentals. She takes responsibility for her guests and reports to the owners whether they are local, national, or international on their properties and tenants. She follows standards from the State, the Fire Code, but also there are more details to vacation rentals that people do not understand or take into effect. For example, there is tax of 13% total, which is both sales and hotel tax. She does not take cash as a discount for getting away from tax. At her rentals, guests sign rules and disclosures, which are in addition to Airbnb, because Airbnb does not have enough rules to patrol her facilities and follow her rules. Her telephone number

is spread throughout the documents, in front of the facilities, and each guest is provided with her contact telephone numbers.

Brian Stewart, 2507 Bay Boulevard, stated he has two units on the rental program. He stated he has a rule book and suggested publicizing the City's rules for rental properties and telephone numbers for the Florida Department of Revenue and the Florida Department of Business and Professional Regulation, so the appropriate taxes are paid.

Marie Mazzara, 451 Harbor Drive North, stated she is the CFO for a fire protection company. She stated the National Fire Protection Association (NFPA) clearly states in Chapters 25 & 26, if a room is a lodging room of any type, it must be sprinkled. She knows condominiums are sprinkled, but what about single-family homes that are rented weekly because per the NFPA those homes are to be sprinkled.

Flash Gordon C. Williamson, 514 Janice Place, stated his neighborhood has been recorded as a nuisance area. He stated someone from the City Commission or the City Attorney needs to go to Tallahassee and advocate for a repeal of the Florida Statute that preempts cities from regulating the duration and frequency of short-term rentals. He stated zoning should mean something. The fact that an area is zoned single-family should mean just that and when there are three families in a single-family residentially-zoned house, it should be forbidden by zoning laws.

Bill Thomas, 470 20th Avenue, inquired if the definition of transient occupant and transient public lodging establishments includes family members, visiting family members and friends.

Tony Ruth, 715 1st Street, stated the idea of finding a balance is a great one; weeding out homeowners who are not regulating their properties and who are bringing in these large groups is outrageous. He stated he owns a building that has short-term rentals, and he is extremely strict with the rules. He advises the renters that no parties are allowed and of the occupancy limit. He tells them that this is a quiet neighborhood. A place where people come to unwind, relax, and not have the pressures of everyday life and do not have to listen to parties and noise. He stated owners need to be responsible for their renters. He stated Indian Rocks Beach has that perfect blend of being laid back and quiet, but there are great restaurants, great bars that are filled with lively people that seem to be little more cultured than are found in some of the cheesier places north and south of IRB. He stated IRB does not have the big hotels, but has

weekly rentals because people are coming to look for that. He would hate to see the City do away with weekly rentals because that is a big part of IRB's culture.

Rick McFall, 408 Harbor Drive North, stated he is the Planning and Zoning Board (PZB) Chairperson. The PZB looked at this proposal last month and was pretty much on board with some basic rules for certain zoning districts within the City, but not all districts.

Mr. McFall stated one of the basic tenets that is going on here is there is an entity that has inserted itself into the single-family residential zoning districts and the rules that exist for condos and multi-family developments do not apply to the single-family zoning district. For example, most condominiums and townhome developments have common garage areas (dumpster system), pool rules, parking regulations, or emergency contact numbers or an HOA President to whom concerns can be addressed. He stated there is no resolution for conflicts and complaints for rentals in the single-family zoning district other than contacting the Code Enforcement Officer or the Pinellas County Sheriff's Office.

Diane Lincoln, 333 6th Avenue, stated she is an owner-occupied Airbnb host. She stated for an owner-occupied rental, the owner lives on the property. She has very strict rules and they are there to monitor the guests. She stated owner-occupied rentals are quite different than a separate condo or a residential home.

Dave Watt, 431 Harbor Drive South, stated the zoning itself seems to be the avenue because this issue cannot be talked about for the entire beach. He stated there are a lot of success stories with good rentals and horror stories with bad renters. Homeowners expect peace and quiet in the residential neighborhoods, and they should not have to worry about who is coming next week next-door and what is going to go on.

Joe Farrell, Director of Government Affairs, Pinellas County Realtor Organization, 4590 Ulmerton Road, stated they represent over 8,000 real estate professionals in Pinellas County, many of whom work up and down the beaches. He stated short-term vacation rental issues are popping up all over the State in all of the beach communities. They strongly defend people's private property rights and their ability to do within reason and responsibly what they want to do on their property. There are people in the vacation rental world that are on both sides of the line.

Mr. Farrell stated overall the Pinellas County Realtor Organization thinks this ordinance is going down the right path; however, they have a few technical issues that could be important which pertains to the transient issue, (exemption of visiting family members and friends), the reporting requirements of everyone that comes through that must be made publicly available, i.e., children, first responders, law enforcement personnel.

Mr. Farrell stated the Pinellas County Realtor Organization looks forward to working with Indian Rocks Beach on this issue.

Kris Plumlee, 469 Harbor Drive North, inquired if the fines gradually increase with each Code violation, and inquired if the City can limit the number of occupants for short-term rentals in the single-family zoning district.

Kenny Montilla, Airbnb, Mobilization Program Director, Florida Team, 3250 NE 1st Avenue, Miami, (646)830-9645 or kenny.montilla@airbnb.com, thanked the City for allowing Airbnb be part of the conversation. Airbnb does feel that this ordinance is moving in the right direction, but he has seen very similar ordinances in other cities that have a compliance rate of under 10%. If the City's goal is compliance, there are small amendments that could be made to help address the issues. Furthermore, Airbnb does not like party houses either, and he has personally helped with removing some of the listings off the platform. He would encourage residents to check out: their website at: [Airbnb.com/neighbors](https://www.airbnb.com/neighbors), where anonymous complaints can be filed.

Mr. Montilla stated this is clearly a registration ordinance. Airbnb thinks that is important because the best way to understand what activity is taking place in the City is through registration, and the best way to have people register is to make it simple.

Mr. Montilla stated Airbnb usually pushes for an exemption for an owner-occupied user of short-term rentals because if they are living on the property, chances the rental is not a party house property that does not have the responsible party on-site.

Mr. Montilla stated concerning property inspections, Airbnb thinks in order to ease the financial and administrative burden on the City, Airbnb recommends an attestation on the application and inspect upon complaint.

Mr. Montilla stated Airbnb has tax agreements with Pinellas County and the State of Florida, and that should be noted.

Mr. Montilla reiterated if a person has a complaint, they can file an anonymous complaint through their website at: airbnb.com/neighbors.

Scott Shapiro, 2032 20th Avenue Parkway, stated a few bad apples should not spoil a bunch. He stated he does not have a leg in this fight. He does not have a short-term rental, but should that limit his ability in the future to have one. He stated he is not here to fight for rights that do not exist, he is here to fight for the rights that currently do.

Mr. Shapiro stated he would like to see the data on how many calls have the PCSO responded to in the last few years relating to short-term rentals. How many to annual rentals and how many to owner-occupied rentals. Show him the data that influenced and determined the need for increased policing power by the City. If someone is breaking the law or being a nuisance, the PCSO should be called regardless.

Mr. Shapiro stated some of the premises that he has heard: (1) short-term rentals are bad for the City, (2) short-term rentals cause more problems than annual or owner-occupied rentals, (3) short-term rentals increase crime, (4) short-term rentals decrease property values, and (5) the City knows how best to solve this issue and it should be done so without a voter referendum. These are some of the arguments that he has heard being pushed to support the conclusion that the City has a problem, therefore, must have a short-term rental ordinance.

Mr. Shapiro stated he has reviewed the ordinance and does have a few concerns with the ordinance because as an independent Libertarian, he is not in favor of more regulations, more police power, or more taxes. The City is not in the business of policing the activities of businesses and inquired why condominiums are excluded.

Mr. Shapiro stated he read somewhere that somebody claimed there are 1,400 short-term rentals in town. He does not know how that is possible when there is less than 5,000 total population and less than 3,000 total dwelling units in town unless condominiums are being counted, and yet condominiums are not being regulated through this ordinance.

Mr. Shapiro inquired why should an individual entrepreneur have to obtain licenses that are consistent with the operation of commercial businesses.

Mr. Shapiro stated inspection by the City could be perceived as a violation of privacy of the Fourth Constitutional Amendment. Posting a sign with the name and telephone number, again, he sees that as a violation of his rights of privacy. Asking for the ages of people on a rental agreement, is that not a violation of age discrimination acts.

Dick Smith, 1503 Bayshore Boulevard, does not have any problems with short-term rentals in his neighborhood. He inquired if the City requires rentals to put up a bond or an insurance waiver.

John Pfanstiehl, 448 Harbor Dive South, stated the City needs to lobby Tallahassee concerning Home Rule, and he would love to see pressure on the Bert Harris Act.

Lucy Turek, 360 12th Avenue, stated she has been coming to Florida since she was a baby. She stated she selected Indian Rocks Beach because she heard the community was so safe, residents are so caring, and it has a community feel and it did not have as many restrictions as other communities. She stated people have come in and out of Indian Rocks Beach for years and have talked to countless families that love coming to Indian Rocks Beach on vacation. She stated she has been all over Florida, and Indian Rocks Beach is one of the safest and nicest communities in Florida.

Ms. Turek stated her biggest concern is that the City should want to bring in a young generation of business owners, young generation of children to join this community to have the opportunity to grow this community in a way that it is healthy, safe, abundant, and beautiful. She stated her concern is also having more ordinances and limiting people from coming to Indian Rocks Beach. She stated it is the homeowner's job and responsibility to take care of the property and that renters are screened.

Dana Thomas, 370 20th Avenue, stated the definition for transient occupants is confusing and wants to be able to have her family and friends visit her home without any regulations. She stated she sees nothing wrong with Airbnb, and property owners that use Airbnb as a responsible way to rent. She does not believe in being over-regulated, and she does not believe in the sign in the yard as she thinks that is unsafe.

Tony Tribuzio, 415 Harbor Drive South, stated a few years ago, 417 Harbor Drive South was a short-term vacation rental and the neighborhood put up with that for a long time. He inquired if there are any regulations for short-term vacation rentals.

Mayor-Commissioner Kennedy stated the City Commission is working on that this evening.

Mark Zubek, 114 11th Avenue, recommended increasing the communication with residents concerning short-term vacation rentals and other major issues in the City.

Patricia McFall, 408 Harbor Drive North, stated something needs to change with short-term vacation rentals as she sees many strangers walking in her neighborhood, as they come and go weekly. She stated her husband travels for business, so at times she does feel threatened, and her husband is thinking about installing more shutters and shrubbery.

Harry Levine, 509 Harbor Drive North, stated he is building a new home at 524 20th Avenue, and then he will have 509 Harbor Drive North to either sell or use as a short-term rental, for financial gain. He stated he could not do that as he knows what his neighbors think of short-term rentals, and it is just not worth it to him. He thinks short-term rentals are bad for the neighborhoods and bad for the community, and should be regulated in the single-family neighborhoods.

Walter Graham, 510 Janice Place, stated he thinks that safety is the biggest issue with short-term rentals, and expressed his concerns about 610 Barry Place with the number of occupants at one time. He inquired if a maximum occupancy could be placed on short-term rentals. He stated the City and the residents need to work with Pinellas County Sheriff's Office with complaints.

Chuck Culkin, 307 Harbor Drive, inquired if the City could invoice property owners when the Pinellas County Sheriff's Office responds to a short-term rental complaint.

Seeing and/or hearing no one wishing to speak, the public comment portion of this agenda was closed by Mayor-Commissioner Kennedy.

Vice Mayor-Commissioner Hoofnagle stated the City Attorney stated it was arguable that compliance is required for noise, parking, and other codes that were mentioned.

City Attorney Mora stated he does not think it is arguable whether or not the City's noise ordinance is applied throughout the community.

Vice Mayor-Commissioner Hoofnagle stated the primary complaints that arise from short-term vacation rentals are noise, garbage collection, and parking, and those items are addressed in various parts of the City Code. He would like them to be repeated in this ordinance, so that there is clarity, and more than just putting them in the ordinance, he hopes that Code Enforcement will aggressively enforce the City Codes.

Vice Mayor-Commissioner Hoofnagle stated there was mention made of NFPA, which is the Fire Code, and he would like to clarify that the Fire Code makes explicit reference to residential dwellings and one family dwellings. The Fire Code is oriented toward clarifying whether or not there are cooking facilities available to the rooms. From a Fire Code point of view, these are residential one-family dwellings in the neighborhoods and are not required to have sprinklers in the rooms. The City may call it a transient public establishment, but the Fire Code does not and that can be clarified in Section 3.3.183.26 of the Florida State Fire Code.

Vice Mayor-Commissioner Hoofnagle stated two or three residents have mentioned owner-occupied residences. He stated he has encouraged the City Commission, in the past, to exempt owner-occupied residences from this ordinance, and he would repeat his request to the City Commission that they consider owner-occupied short-term rental residences exempt for this ordinance.

Vice Mayor-Commissioner Hoofnagle stated one resident asked if fines could be graduated. The answer is yes, and they are. The more repeat offenses, the higher the fines.

Commissioner Wrobel stated he used to live next-door to a short-term rental in 2012 when it was prohibited, and there was no enforcement that could be done. He stated he would put up with it for weeks and weeks on end. He stated there are two rentals in his neighborhood now, and there are no problems because the property owners are very strict and very selective in whom they rent to, but unfortunately, not all property owners are like that and that is why something needs to be done and put in place.

Commissioner Wrobel stated short-term vacation rentals need to be regulated because if they are not regulated, the problem will never go away.

City Attorney Mora inquired of Vice Mayor-Commissioner Hoofnagle if an owner-occupied residence would be exempt from all restrictions or requirements of the ordinance, which would include DPBR and business tax receipts or are there specific components that Vice Mayor-Commissioner Hoofnagle had in mind in a broader sense.

Vice Mayor-Commissioner Hoofnagle stated those Code Sections for business tax receipts are applicable regardless of this ordinance, and for that reason, yes they would be exempt from this Section of the City Code. He feels very comfortable doing that because those are already applicable in the case of an owner-occupied establishment.

Commissioner Hanna stated Tallahassee has preempted cities from regulating the duration and frequency of short-term vacation rentals.

Commissioner Hanna inquired if Airbnb is classified as media or an advertising vehicle.

Mr. Montilla stated he is not an attorney, so he does not know how Airbnb is classified. He stated Airbnb is considered a peer-to-peer platform.

Commissioner Hanna asked if Airbnb would consider restricting advertising information to promote a reasonable number of occupants/sleeps.

Mr. Montilla stated some cities do propose an occupancy limit, something reasonable to the extent of two plus two per bedroom. There are definite ways to go about implementing a maximum occupancy limit.

Mr. Montilla stated if it is an Airbnb property, he would encourage residents to use the [Airbnb.com/neighbors](https://www.airbnb.com/neighbors) to file anonymous complaints and Airbnb does follow up with the host.

Commissioner Hanna stated the City picks up trash twice a week, and the trash could sit out there for days. He stated IRB has a special pickup fee, which is usually for large items, and stated there is a possibility that the City could charge property owners for trash that is picked up on non-trash days.

Commissioner Hanna stated safety is the number one issue for him. He stated rentals on the west side of Gulf Boulevard have certain regulations and requirements that are required to ensure public safety.

City Attorney Mora clarified the record by stating there is nothing that bars the City from citing short-term rental properties or other property owners in the City for noise violations.

Commissioner Palomba stated the short-term vacation rental ordinance needs to be a uniform standard. He stated he has written Tallahassee and advised them of his standing on the preemption for short-term vacation rentals.

Vice Mayor-Commissioner Hoofnagle stated the business tax receipt application, which is a public document, has a significant amount of data, and it would be very easy to add a box that states "owner-occupied"; therefore, making it extremely easy to identify which property is owner-occupied and which is not.

Vice Mayor-Commissioner Hoofnagle inquired if there was a consensus to exempt owner-occupied short-term vacation rentals from the short-term vacation rental ordinance.

Mayor-Commissioner Kennedy stated several emails have been received from owner-occupied rentals that they were in favor of some kind of regulations for short-term rentals.

Vice Mayor-Commissioner Hoofnagle stated, in response to Mayor-Commissioner Kennedy's question, he feels that it could be very harmful to the owner-occupied situation to impose a series of registration requirements because they are not likely to be causing disturbances in the first place. In addition to it being owner-occupied, the existence of the responsible party is known because the person lives there. If the primary focus of this ordinance is to have a responsible party and to have their name and telephone number posted, then that is what is really being done in this ordinance. It seems to him overkill and redundant in the case of an owner-occupied residence.

City Attorney Mora stated owner-occupied exemptions are not uncommon and Mr. Montilla suggested that as a potential revision. Additionally, such exemptions have been considered by the Courts in terms of the equal protection component, and upheld as a rational basis distinction between other owners and owner-occupied properties. He stated, from a legal standpoint, such a distinction would certainly be unjustifiable and would also be defensible.

Commissioner Wrobel stated residents are concerned about privacy; however, the Pinellas County Property Appraiser provides information on their website about property owners.

Commissioner Wrobel stated Vice Mayor-Commissioner Hoofnagle is implying the City will never have someone who is not responsible in an owner-occupied property that

Vice Mayor-Commissioner Hoofnagle stated in any business there can be a difficult customer or situation. His point is that the primary emphasis of this ordinance is to put a weather resistant 48 point font typeface sign in the front yard that displays the responsible party's contact information, and he believes that is overkill in the case of an owner-occupied property.

Mayor-Commissioner Kennedy inquired of Vice Mayor-Commissioner Hoofnagle what happens when there is a problem with an owner-occupied rental.

Vice Mayor-Commissioner Hoofnagle stated there would be a code enforcement action or the Pinellas County Sheriff's Office would respond, just like all the other incidents. The only difference is that there would not be a weather resistant 48 point font typeface sign in the front yard that states their name and telephone.

Commissioner Wrobel inquired of Vice Mayor-Commissioner Hoofnagle if that is the only thing that he wants to exempt for owner-occupied rentals.

Vice Mayor-Commissioner Hoofnagle responded in the affirmative and stated he believes that the rest of the Code of Ordinances are applicable regardless whether they are mentioned in this ordinance.

City Attorney Mora stated in response to Commissioner Wrobel's questions:

1. Does he think it is problematic to require somebody to have a designated responsible party sign? On its face no; everything is subject to and capable of being abused.
2. Could the City just have a registry? The City Commission has considered that in the past. One of the impetuses behind the designated responsible party component, in discussing with the City Manager and the City Commission, has been that if a problem arises in the early morning hours or on the weekends, City Hall is closed and staff is unavailable to provide that information in a readily accessible manner.
3. If Commissioner Wrobel is referring to the sign as it relates to owner-occupied residences, he does not think it is a misstatement to say that all of the other City Codes referenced in the ordinance are really

consolidations and they are still subject to the noise, trash, and parking ordinances.

In response to Commissioner Hanna's comment, City Manager Mims stated the designated responsible party needs to be someone who can respond in a timely manner, not someone out-of-state. He stated as far as data, there is always an electronic way to share information with the Pinellas County Sheriff's Office.

In response to Commissioner Palomba's question about exempting owner-occupied rentals, Vice Mayor-Commissioner Hoofnagle stated primarily it is to deal with the sign, but he thinks, in general, the overall ordinance is geared to dwellings that are not owner-occupied and the City is trying to control some of the quality of life issues which arise from those.

CONSENSUS TO CREATE AN EXEMPTION FOR OWNER-OCCUPIED RENTAL RESIDENCES AS IT RELATES TO SECTION 110-844(1) OF ORDINANCE NO. 2018-01, SHORT-TERM VACATION RENTAL.

City Attorney Mora stated the following issues were raised by either the public or the City Commission:

- *Licensing and Certificate Program.* For the City to consider creating its own licensing and certificate program for short-term rentals. He stated this has been discussed in the past. There were competing concerns that it does bring additional enforcement capacity of suspending or revoking licenses and demerits against licenses specific to short-term rentals. It is not without precedent. The balancing concern was the administrative bureaucracy it would create for the City to create and establish an entirely new program on top of the business tax receipt licensing program, that it would monitor, administer, and track in a data base.

THERE WAS NO CONSENSUS TO CREATE A SEPARATE LICENSING AND CERTIFICATE PROGRAM FOR SHORT-TERM RENTALS BEYOND THE BUSINESS TAX RECEIPTS.

- *Safety Compliance.* Requiring attestations or certifications of safety compliance from property owners. The ordinance, as drafted, is presently permissive as it relates to inspections, that is that it does not mandate City inspections. The PZB requested that inspections be made mandatory. One of the recommendations that members of the public raised was requiring an owner to certify, putting the onus on the property owner,

reducing the City's burden on that, but still receiving some assurance that Life and Safety Codes have been satisfied on a property.

CONSENSUS TO REQUIRE, THROUGH THE BUSINESS TAX RECEIPT PROGRAM, SOME KIND OF ATTESTATION OR CERTIFICATION FROM SHORT-TERM RENTAL PROPERTY OWNERS AS TO SAFETY COMPLIANCE OF THE PROPERTY.

- *Definition of transient occupancy and transient public lodging establishments.* The definition of transient occupancy and transient public lodging establishments as to whether or not the definition is overly broad.

CONSENSUS OF CITY ATTORNEY TO RESEARCH WHETHER OR NOT THE DEFINITION OF TRANSIENT OCCUPANCY AND TRANSIENT PUBLIC LODGING IS OVERLY BROAD.

- *Noise, garbage, and parking ordinances.* Request to repeat the noise, garbage, and parking ordinances and other applicable ordinances in this ordinance.

CONSENSUS TO REPEAT NOISE, GARBAGE, AND PARKING ORDINANCES AND OTHER APPLICABLE CODES IN THE SHORT-TERM VACATION RENTAL ORDINANCE.

- *Fire Code.* There has been a question about safety as it relates to Fire Codes. He has been in discussions with the Pinellas Suncoast Fire and Rescue District (PSFRD) Chief Burton. Chief Burton has been exchanging emails and correspondence with Fire Marshals all over the State who deal with this and is seeing what the common thread is. He knows there was a representation that the Fire Code simply does not apply. He knows that in Chapter 69A-43 of the Florida Administrative Code (FAC), Uniform Fire Safety Standards for Transient Public Lodging and Transient Public Lodging is the definition in Florida Statute 509.013. Courts have found that the rentals of duplexes and single-family homes can fall within that definition, and arguably, some FACs could apply. Some of the requirements under that FAC include smoke detectors that are powered by electricity or hardwired through the home, a primary exit and secondary egress, occupancy limitations of 150 square feet per person, battery-powered emergency lighting that would run for one hour over the main egress, minimum number of fire extinguishers, a visible posted floor diagram, fire safety pamphlets.

Vice Mayor-Commissioner Hoofnagle inquired if they are required.

City Attorney Mora stated are they absolute shalls and musts, he does not know that, but FAC states the rules apply to any transient public lodging establishment as defined in Florida Statute 509.013. The State Fire Marshal is the final administrative interpreting authority for these rules. He does not know if he has a definitive opinion from the State Fire Marshal on their application.

Vice Mayor-Commissioner Hoofnagle stated he would like to look into that, but he has read about their idea of a rooming house, and etc., and all of those definitions made an explicit reference to cooking facilities being absent.

City Attorney Mora stated these requirements are located in 69A-43.018, FAC, One and Two Family Dwellings, Recreational Vehicles, and Mobile Homes Licensed as Public Lodging Establishments, and not in the Fire Code. He stated that is something staff is still working through. As it relates to some of these Life and Safety Codes, there is a disconnect between what the rules, recommendations, and administrative regulations say and what happens in practice. If all of these were applied uniformly, then the City would just look at what everyone else is doing in Pinellas County.

City Attorney Mora stated he is seeking City Commission consensus on whether or not to incorporate them, but to continue to obtain guidance and determine if they are applicable to transient public lodging establishments, i.e., short-term vacation rentals.

City Manager Mims stated PSFRD Fire Inspectors do not have the ability to cite property owners for Fire Code violations. The Fire Inspectors can only give a property owner a list of violations, but they can charge an inspection fee if the violations are not corrected.

CONSENSUS OF THE CITY COMMISSION TO CONTINUE TO OBTAIN GUIDANCE AND DETERMINE IF CHAPTER 69A-43 OF THE FAC IS APPLICABLE TO TRANSIENT PUBLIC LODGING ESTABLISHMENTS, I.E., SHORT-TERM VACATION RENTALS.

- *Fines.* The fines are graduated up to the limitation that exists in the City Code.

- *Occupancy Limitation.* There is not a statute that states maximum number of occupants for short-term vacation rentals. Occupancy limitations would be difficult to enforce on the front end; however, it could be enforced through the way the rental is being advertised.

CONSENSUS FOR THE CITY ATTORNEY TO EXPLORE THE POSSIBILITY OF INCLUDING OCCUPANCY LIMITATION IN ORDINANCE NO. 2018-01, SHORT-TERM VACATION RENTALS.

- *Resolution of conflict and complaint.* The City does have a system in place already through Code Enforcement or the Pinellas County Sheriff's Office.

Vice Mayor-Commissioner Hoofnagle stated he wants to make sure that the definition for a designated responsible party could be a professional management company.

CONSENSUS FOR STAFF TO AMENDED THE DEFINITION OF A DESIGNATED RESPONSIBLE PARTY TO MAKE IT CLEAR THAT A DESIGNATED RESPONSIBLE PARTY COULD BE A PROFESSIONAL MANAGEMENT COMPANY.

Vice Mayor-Commissioner Hoofnagle stated he wanted to make it clear that the designated responsible party is available 24/7 only when it is occupied by transient occupants and when the property is vacant, and in that case, the response time would be a commercially reasonable time frame not 24/7.

Vice Mayor-Commissioner Hoofnagle stated residents are complaining about garbage being placed on the curb when occupants leave. He inquired of Commissioner Hanna if this was a Code Enforcement issue that he was thinking about or a service that the City would offer to pickup garbage on a nonconforming day.

Commissioner Hanna stated the goal is to get the garbage off the street and staff should determine the best way to accomplish that goal.

City Manager Mims stated it is a Code Enforcement issue. The City daily gives residents notices and have cited residents for putting out their garbage cans too early.

Commissioner Hanna stated he was not thinking about a Code Enforcement violation and how to keep the garbage off the streets. He stated staff would go

out and pickup the garbage cans, but the property owner would be charged a special fee for that service.

City Manager Mims stated there are no provisions in the City Code, for the City to pickup trash what is considered a routine pickup and then charge them.

Commissioner Hanna stated he was just trying to recover costs for the additional services.

Commissioner Wrobel inquired how does compliance with the Americans With Disability (ADA) Act fall under this ordinance.

City Attorney Mora stated ADA compliance is part of the broader analysis and stated that he would look into this issue.

Commissioner Wrobel inquired if there is a level for violators where their licenses would be revoked or not renewed.

City Attorney Mora stated business tax receipts cannot be revoked or penalized in that way.

City Attorney Mora stated the PZB recommended that a timeline be created for short-term vacation rental properties to come into compliance within 30 to 45 days by providing proof that applications have been submitted to the Florida Department of Revenue and the Florida Department of Business and Professional Regulation.

CONSENSUS TO CREATE A TIMELINE FOR SHORT-TERM VACATION RENTAL PROPERTIES TO COME INTO COMPLIANCE WITHIN 30 OR 45 DAYS BY PROVIDING PROOF THAT APPLICATIONS HAVE BEEN SUBMITTED TO THE FLORIDA DEPARTMENT OF REVENUE AND THE FLORIDA DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION WITH THE NEW RULES AND REGULATIONS.

Mayor-Commissioner Kennedy recommended that the following Whereas Clause should be amended: *"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."*

Mayor-Commissioner Kennedy stated she does think the City has the desire to encourage short-term vacation rentals, but does acknowledge short-term vacation rentals.

CONSENSUS FOR THE CITY ATTORNEY TO COME UP WITH BETTER WORDING FOR THE FOLLOWING WHEREAS CLAUSE: "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."

2. ADJOURNMENT.

THE MEETING WAS ADJOURNED AT 6:46 P.M.

May 8, 2018
Date Approved

Joanne Moston-Kennedy, Mayor-Commissioner

ATTEST: _____
Deanne B. O'Reilly, MMC, City Clerk

/dor



**INDIAN ROCKS BEACH
REGULAR CITY COMMISSION MEETING
AUGUST 13, 2018**

Attachment # 9

MOTION MADE BY COMMISSIONER PALOMBA, SECONDED BY VICE MAYOR-COMMISSIONER HOOFNAGLE, TO APPROVE ORDINANCE NO. 2017-15, ON FIRST READING, REPEALING ARTICLE V, PLANNED UNIT DEVELOPMENT, BY DELETING SECTIONS 110-641 THROUGH 110-652, CONCERNING THE PURPOSE, APPLICABILITY, CONTENT AND REVIEW OF PLANNED UNIT DEVELOPMENTS AND REPLACING THEM WITH ARTICLE V, PLANNED UNIT DEVELOPMENT DISTRICT BY ADDING SECTIONS 110-641 THROUGH 110-652, CONCERNING THE PURPOSE, APPLICABILITY, CONTENT AND REVIEW OF PLANNED UNIT DEVELOPMENTS PROVIDING FOR RENUMBERING; PROVIDING FOR SEVERABILITY; PROVIDING FOR RESOLUTION OF CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Palomba stated he still has heartburn over a project lasting more than five or 10 years because things change in the environment, building process, and building material.

Vice Mayor-Commissioner Hoofnagle stated it is not guaranteed the developer will receive an extension, and the citizen comment was that maybe this should be done by the City Commission and not done by the City Manager.

Commissioner Palomba inquired if the City Commission had to review the PUD after so many extensions, with Vice Mayor-Commissioner Hoofnagle stated the extensions are granted for a maximum of up to four years per extension request.

Vice Mayor-Commissioner Hoofnagle stated "per extension request" should be stricken-out, with Commissioner Palomba agreeing.

CONSENSUS OF THE CITY COMMISSION THAT THE WORDS "PER EXTENSION REQUEST BE STRICKEN-OUT FROM SECTION 110-650, TIME LIMITS, SUBSECTION (2).

ROLL CALL VOTE:	WROBEL	AYE
	HANNA	AYE
	HOOFNAGLE	AYE
	PALOMBA	AYE
	KENNEDY	AYE

MOTION CARRIED UNANIMOUSLY.

6D. ORDINANCE NO. 2018-01 — FIRST READING/PUBLIC HEARING. An ordinance of the City Commission 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.

[Revisions to the proposed ordinance are based on the City Attorney's notes, the work session minutes, recommendations from third parties, and the direction of the City Manager.]

WHEREAS CLAUSES:

- **Formerly**
 - **(A) WHEREAS**, the City of Indian Rocks Beach desires 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
 - **(B) 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

- **As Revised**
 - **(A) WHEREAS**, the City of Indian Rocks Beach supports the operation of short-term vacation rentals that are operated in a safe manner, fit in with the character of the community, provide positive impacts for tourism, increase property values, and achieve greater neighborhood compatibility; and
 - **(B) 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~~

Sec. 110-841. Definitions.

- **Designated Responsible Party.** The owner, or any person eighteen (18) years or 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 up to three designated responsible parties for each short-term vacation rental. An owner may retain a private entity, such as a property management company, to serve as the designated responsible party.

Sec. 110-842. Short-term vacation rental minimum requirements.

- **Modified (1) - (3)** to add "if applicable" language.
- **Added Final Clause.** Upon initial adoption of this section, owners of short-term, vacation rentals shall have 45 days to submit documentary evidence to the City of Indian Rocks Beach evidencing their individual efforts to register with the Florida Department of Revenue in compliance with this section.

Sec. 110-843. Short-term vacation rental standards.

- **Added (1)(a).** An individual or entity desiring to operate a short-term vacation rental shall sign a sworn statement under penalty of perjury that he or she believes the subject property is in compliance with all applicable City Codes. Execution of this sworn statement is a prerequisite to receipt of the business tax receipt and final approval to operate a valid short-term vacation rental.
- (4) Any other standards contained in the City Code of Ordinances and Land Development Code, including but not limited to the City Code governing noise, parking, and garbage shall apply to short-term vacation rentals as well. This shall include but not limited to regulations concerning noise, setbacks, stormwater, and other similar provisions.
- Remove parking requirement as inconsistent with the remainder of the City Code.

Sec. 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 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 must be in black Times New Roman or Arial font, and no smaller than 48 font typeface. The sign must be constructed of weather resistant wood or plastic. This requirement shall not apply in instances where the owner occupies a portion or division of the short-term vacation rental as his or her primary residence.

Sec. 110-844. Responsible party.

- **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:
 - 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 when the short-term vacation rental is occupied. In the event there are no tenants or occupants in the structure, a designated responsible party must be available within a commercially reasonable response time;

Sec. 110-845. Short-term vacation rental/lease agreement minimum provisions.

- **2. Added to 1.** There shall be a written, or online lease, rental, tenant, or other recorded usage agreement memorializing each tenancy in a vacation rental, between the owner or designated responsible party 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. Added to 2.** The rental, lease, or recorded usage agreement must contain the following information at a minimum:

Sec. 110-846. Required posting.

- Moved in required posting of evacuation from lease agreement provision.

City Attorney Mora read Ordinance No. 2018-01 by title only and stated this has been a first reading of Ordinance No. 2018-01.

City Attorney Mora introduced the agenda item.

Mayor-Commissioner Kennedy opened the public hearing.

Bill Thomas, 470 20th Avenue, inquired if the City has any data that supports the following whereas clause: *"the majority of complaints or issues the City encounters concerning the operation of short-term rentals pertain to the single- and two-family neighborhoods east of Gulf Boulevard"*, and if the City cannot support this by fact, then it should be removed.

Mr. Thomas referred to Section 110-842, Short-term vacation rental minimum requirements, and stated he has an email from the Erin Sullivan-Bolt, Chief Tax Auditor, Pinellas County Tax Collector that stated: *"Effective December 1, 2015, both the Pinellas County Tax Collector and the Florida Department Revenue signed agreements with Airbnb to automatically collect and remit the taxes on*

behalf of all their hosts who rent their Pinellas County properties through their rental platform. Therefore, we do not require an individual property owner who rents solely through Airbnb to register with our office. In addition, due to this agreement, there is no separate tax receipt or proof of registration presented by our office to an individual property owner. However, renting through Airbnb may print out their owner statement from the Airbnb platform showing the taxes collected by Airbnb." Mr. Thomas stated Section 110-842 will need to be amended, so that property owners can supply the necessary documents and be able to comply with the proposed ordinance.

Mr. Thomas referred to Section 110-845, Short-term vacation rental/lease agreement minimum provisions, Subsection (2), the name and ages of all persons who will be occupying the unit, stating Airbnb does not furnish the names and ages of the adults and/or minors who are staying at the unit. Airbnb only provides the primary resident that is checking in and Holiday Inn Harbourside only requires the name and address of the person checking in and who is responsible for the room.

Mr. Thomas referred to Section 110-843, Short-term vacation rental standards, Subsection (2), Inspections, b. Inspection of a vacation rental to verify compliance with the City's Code of Ordinances . . . , stating he will remind the City Commission that the 4th Amendment of the Constitution protects people from unreasonable searches by a government and searches inside homes without warrants are presumably unreasonable unless they pertain to safety. This paragraph does not state that it is just for safety inspections, and needs to be modified.

Mr. Thomas stated in the City Attorney memo dated May 3, 2016: "*The City's best legal remedy to this problem is in Tallahassee, not City Hall.*" and stated "*It remains likely that whatever restrictions the City adopts, however, meritorious or legitimate, are likely to be challenged in court.*" He stated the City has been through enough legal issues that the City does not want to have to go to court, and he does not want his tax money spent on litigation over something that has to be resolved in Tallahassee and cannot be resolved here.

John Pfanstiehl, 448 Harbor Drive South, stated he visited Anna Maria this past month, and saw what can happen to a once beautiful seaside community. It is no longer primarily a place for residents to live. It has become a short-term rental place. To prevent losing the residential nature of Indian Rocks Beach, he agrees the City has to have effective ordinances to make an ordinance effective, the City needs to easily find the businesses that are evading those ordinances. He suggests that all short-term rentals be required to have a tax number or another identifier number on all their ads. He recommends the City Commission approve Ordinance No. 2018-01 with what additions and/or deletions the City Commission feels necessary, but create an additional

ordinance requiring that short-term rentals place a tax number or another identified number on all advertisements.

Candy Walcott, 1000 Gulf Boulevard, stated everyone who rents a home should be required to obtain a business tax receipt from the City, and she does not like the idea of having a sign out front notifying the world that this is a rental house.

Flash Gordon C. Williamson, 514 Janice Place, stated short-term vacation rentals are a business and asked why are they allowed in districts that are zoned residential, and how are multiple families allowed to reside in a single-family structure. How is that legal to the City's zoning codes?

Kelly Cisarik, 448 Harbor Drive South, stated the proposed ordinance lacks enough teeth to cause compliance. There is no way to easily verify who is not in compliance. The proposed ordinance causes the owner to place a small sign outside the rental property and the neighbors and the City would be able to see who is and is not complying with the ordinance. She stated one way to determine if an owner is in compliance is through an issued unique identifiable number that would be required to be placed on each on-line ad.

Robert V. Clemmer, 1216 Bayshore Boulevard, stated he lives near two Airbnbs. The City has taken residential property and turned it in commercial property. The renters do not care about trash, noise, the City, and so forth.

Carol Britz, 466 20th Avenue, stated with whatever the City does, the ordinance needs to be enforced.

Jennifer Riley, 510 Janice Place, stated if there is an ordinance, how will the City hold them accountable.

Mike Davis, 381 12th Avenue, inquired if there is a time frame for short-term rentals and stated short-term rentals should be prohibited in residential areas east of Gulf Boulevard.

Hugh Burton, 1102 Beach Trail, stated he has noticed over the last three years more groups of people, more trash, and more noise on the beach and he does not know if this is because of all the Airbnbs. He stated short-term renters do not respect the beach or the property like homeowners do.

Jim Labadie, 316 10th Avenue, stated he owns short-term rental cottages at 318 Gulf Boulevard, located on the west side of Gulf Boulevard. He is terribly disappointed that the City is having to deal with this on the east side of Gulf Boulevard, and he, too, has short-term rentals in his neighborhood. He has been greeting his short-term renters and explaining to them what the

community is all about and if they could please respect the rest of the community. He feels that the short-term rentals are devaluing his property and that he has no control over. He stated the problem started in Tallahassee and that is where the problem is: Tallahassee. The Florida Legislators are following the rental business industry and encouraged the residents to reach out to their Legislators.

Kellee Watt, 431 Harbor Drive South, stated she also has short-term rentals in her neighborhood and feels the ordinance does not go far enough and recommended there be occupancy limits and an increase in fines.

Alex Kaczmarski, 2004 2nd Street, stated he came to IRB as a short-term renter and fell in love with IRB, and made a decision when he retired that he would move to IRB. He now owns a duplex that he lives in one section and rents out the other section. He is surrounded by short-term rentals, and he loves them. He meets fantastic people from around the world, and for the most part, they are here to enjoy the beach, the restaurants, and the walkability of the community.

Jo Hammond, 514 Janice Place, stated she is not anti-tourist, but she is anti-running a business in a strictly residential area. She has a house next to her that is an absolute nightmare. It is a continual revolving door of two and three families at a time which typically include six or seven kids, four adults, they are on vacation and having a great time, but it is the nonstop screaming and yelling. To accept that is the expectation of how they are going to live in this community, it is off the table, and they will not stay.

MOTION MADE BY COMMISSIONER WROBEL, SECONDED BY COMMISSIONER HANNA, TO EXTEND THE MEETING BEYOND 9:30 P.M., PURSUANT TO RULE 5 OF THE CITY COMMISSION RULE AND PROCEDURES. UNANIMOUS APPROVAL BY ACCLAMATION.

Steve Isles, 376 12th Avenue, stated in 2011 and 2014, the Florida Legislature passed two laws that prohibited cities from regulating the duration and frequency of short-term vacation rentals. Yet, here the City is four years later, doing exactly that by defining a transient public lodging establishment as a structure, which is rented to guests more than three times a calendar year for periods of less than thirty days . . . , so the City is doing exactly what the Florida Legislature told the cities not to do. The City is not banning short-term rentals, but is just making it difficult.

Mr. Isles stated in the minutes, the City Manager stated the way to control short-term rentals is with lots of restrictions and to make it difficult, lots of inspections, lots of expense, and that is exactly what this ordinance does.

Mr. Isles stated the City is trying to break the law and the City is trying to make it very expensive if things go wrong for the owner or its designated responsible party. He stated this is a major new restriction on people's property rights.

Mr. Isles stated, per the proposed ordinance, noncompliance with any provisions of this article shall constitute a violation of this article and each day a violation exists shall constitute a separate and distinct violation. He stated the first offense results in a fine of \$150 a day. Does the community really want to entrust the City's Code Enforcement Officer and other staff members with that power 24/7?

Rachael Taylor, 376 12th Avenue, spoke on the economics on short-term rentals.

Julie Hoofnagle, Two Fifth Avenue, stated the reason why Indian Rocks Beach is so wonderful is because of the residents, and most of the City residents live in single-family homes on the east side of Gulf Boulevard. She stated residents are going to want to leave because it is uncomfortable. She lives on the west side of Gulf Boulevard and she deals with short-term rentals all the time, so she knows what they are talking about, but she bought on the west side. If a person buys on the east side, on the Intracoastal side, in a single-family neighborhood, and then short-term vacation rentals start popping up, that is annoying and that is not what they bought for, and then the City starts losing those residents, those volunteers, those board members, and then what does Indian Rocks Beach turn into.

Sandra Gacio, 104 12th Avenue, stated she just purchased the property at 104 12th Avenue as a short-term vacation rental and it is her understanding because her property is not on the west side of Gulf Boulevard, she will not be able to use the property as a short-term rental based on what the City Commission is proposing.

Chris Plumlee, 469 Harbor Drive North, stated her family is in the business of short-term vacation rentals. She recommended that the proposed ordinance address occupancy limits for short-term vacation rentals.

Dana Thomas, 470 20th Avenue, stated there is a difference between renting a full house out and not being there and renting out a bedroom where the owner has control of noise, trash, and so forth.

Roxanne Bell, 2004 & 2006 Bay Boulevard, stated she prefers short-term renters over long-term renters. She stated she had less control over the long-term renters. She stated if a neighbor has a noise complaint, they should call the sheriff's office, and if they have any other complaints, they should call the City. The City should enforce its ordinances that are on the books.

Carol Meares, 321 10th Avenue, stated her concern is with enforcing the City's current City Codes.

Barbara Taylor, 381 12th Avenue, stated by having the required sign in front of rental properties, the City is allowing commercial businesses to advertise in residential neighborhoods.

Stewart DeVore, 410 20th Avenue, inquired if the City could place a cap on the short-term vacation rentals to help the motels and hotels.

Seeing and/or hearing no one else wishing to speak, Mayor-Commissioner Kennedy closed the public hearing.

City Attorney Mora addressed whether or not the inspections are either unconstitutional or unlawful. He stated the proposed ordinance under Section 100-843, Short-term vacation rental standards, Subsection (2), Inspection, b. states: "*Inspection of a vacation rental to verify compliance with the City's Code of Ordinances and other applicable safety codes . . .* , so it is embedded in the proposed ordinance that safety is one of the premises for inspections.

City Attorney Mora stated there is nothing in the City's power or in the proposed ordinance to prohibit the operation of short-term rentals anywhere in the City.

City Attorney Mora stated there is a distinction between owner-occupied and nonowner occupied rentals whereby owner-occupied rentals are not required to place a sign in their front yards.

City Attorney Mora reiterated that the proposed ordinance does not restrict duration or frequency. He stated as far as a definition, a definition is not unto itself as a restriction, the City is not regulating how often or prohibiting short-term rentals all together.

City Manager Mims stated after reviewing Ms. Cisarik email with the City Attorney, they felt it was doable to have a unique identifying number like a registration or license number that is tied to the issuance of the business tax receipt, which number would be required in all on-line and print advertising, and failure to provide a license number would subject the property owner to the same penalties set forth in the proposed ordinance. This would be an added tool that would help staff determine if a short-term rental was in compliance.

City Manager Mims recommended the proposed ordinance be amended to have a unique identifying number, such as a registration or license number that is tied to the issuance of the business tax receipt which number would be required in all on-line and print advertising, and failure to provide a license number

would subject the property owner to the same penalties set forth in the proposed ordinance.

City Attorney Mora referred to Section 110-842, Short-term vacation rental minimum requirements, Subsection 2., where the words "*if applicable*" were added to take into account the agreement between Pinellas County and Airbnb in obtaining that certificate from the Florida Department of Revenue, and Florida Department of Business and Professional Regulation.

City Manager Mims stated Gulf Boulevard is not the dividing line and stated the proposed ordinance applied to all structures used for the purpose of short-term vacation rentals as permissible commercial businesses when operating within the single-family (residential), medium density (RM-2), and medium density duplex residential (RM-1) districts, and it does apply to the east side of Gulf Boulevard.

ON VICE MAYOR-COMMISSIONER HOOFNAGLE'S RECOMMENDATION, IT WAS THE CONSENSUS OF THE CITY COMMISSION TO AMEND SECTION 110-845, SHORT-TERM VACATION RENTAL/LEASE AGREEMENT MINIMUM PROVISIONS, SUBSECTION (2) AS FOLLOWS:

A. ~~THE NAME AND AGES OF ALL~~ THE PRIMARY RESPONSIBLE PERSONS WHO WILL BE OCCUPYING THE UNIT.

Vice Mayor-Commissioner Hoofnagle stated he does not believe the City has the jurisdiction to web-based advertisements that might happen outside the State of Florida.

City Manager Mims stated the City does has authority over property owners who are issued business tax receipts.

CONSENSUS OF THE CITY COMMISSION TO AMEND THE PROPOSED ORDINANCE TO INCLUDE A UNIQUE IDENTIFYING NUMBER LIKE A REGISTRATION OR LICENSE NUMBER THAT IS TIED TO THE ISSUANCE OF THE BUSINESS TAX RECEIPT, WHICH NUMBER WOULD BE REQUIRED IN ALL ON-LINE AND PRINT ADVERTISING.

THERE WAS NO CONSENSUS OF THE CITY COMMISSION TO INCLUDE OCCUPANCY LIMITS IN THE PROPOSED ORDINANCE.

Commissioner Wrobel stated Tallahassee controls the duration and frequency of short-term rentals, so get out and vote in November.

Commissioner Wrobel voiced his support for the name and phone number of the designated responsible party being posted on the front exterior of the dwelling in a place accessible to the public on the east side of Gulf Boulevard.

Commissioner Palomba voiced his objection to the sign in the front of the yard stating that is an issue just waiting to happen.

CONSENSUS OF THE CITY COMMISSION FOR THE NAME AND PHONE NUMBER OF THE DESIGNATED RESPONSIBLE PARTY BEING POSTED ON THE FRONT EXTERIOR ON THE DWELLING IN A PLACE ACCESSIBLE TO THE PUBLIC ON THE EAST SIDE OF GULF BOULEVARD.

The City Commission addressed trash, noise issues, and other complaints, with the City Attorney responding those issues will be handled by either the Pinellas County Sheriff's Office or Code Enforcement through other parts of the City Code.

Mayor-Commissioner Kennedy recommended the City prepare a laminated informational sheet that includes all required posting numbers as outlined in the ordinance to property owners who are issued business tax receipts for short-term vacation rental properties.

THERE WAS NO CONSENSUS BY THE CITY COMMISSION TO INSTRUCT THE CITY MANAGER TO PREPARE AN INFORMATIONAL SHEET TO PROPERTY OWNERS WHO ARE ISSUED BUSINESS TAX RECEIPTS FOR SHORT-TERM VACATION RENTAL PROPERTIES.

MOTION MADE BY VICE MAYOR-COMMISSIONER HOOFNAGLE, SECONDED BY COMMISSIONER HANNA, TO APPROVE ORDINANCE NO, 2018-01, ON FIRST READING, 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.

ROLL CALL VOTE: **PALOMBA AYE**
 HANNA AYE
 WROBEL AYE
 HOOFNAGLE AYE
 KENNEDY AYE

MOTION CARRIED UNANIMOUSLY.

7A. ORDINANCE NO. 2018-05 - FIRST READING. An ordinance of the City of Indian Rocks Beach Florida, amending the Indian Rocks Beach Code of Ordinances, amending Chapter 15, Schedule of Fees, Article III, Planning/Zoning/Land Use, Section 15-20, Public hearing fees, reducing the fees associated with planned unit developments, providing for codification, providing for severability, and providing for an effective date.

City Attorney Mora read Ordinance No. 2018-05 by title only.

City Manager Mims stated Section 15-20, Public hearing fees, Subsection (2) Actions by Planning and Zoning Board, has been amended as follows to encourage planned unit developments:

- b. Planned unit developments.
 - 1. Initial development order ~~\$7,500~~ \$1,500

There were no public or City Commission comments for this agenda item.

MOTION MADE BY COMMISSIONER HANNA, SECONDED BY COMMISSIONER PALOMBA, TO APPROVE ORDINANCE NO. 2018-05, ON FIRST READING, AMENDING THE INDIAN ROCKS BEACH CODE OF ORDINANCES, AMENDING CHAPTER 15, SCHEDULE OF FEES, ARTICLE III, PLANNING/ZONING/LAND USE, SECTION 15-20, PUBLIC HEARING FEES, REDUCING THE FEES ASSOCIATED WITH PLANNED UNIT DEVELOPMENTS, PROVIDING FOR CODIFICATION, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

ROLL CALL VOTE: **HOOFNAGLE AYE**
 WROBEL AYE
 PALOMBA AYE
 HANNA AYE



**INDIAN ROCKS BEACH
REGULAR CITY COMMISSION MEETING
SEPTEMBER 11, 2018**

Attachment # 10

OF PLANNED UNIT DEVELOPMENTS; PROVIDING FOR RENUMBERING; PROVIDING FOR SEVERABILITY; PROVIDING FOR RESOLUTION OF CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

**ROLL CALL VOTE: PALOMBA AYE
WROBEL AYE
HOOFNAGLE AYE
HANNA AYE
KENNEDY AYE**

THE MOTION CARRIED UNANIMOUSLY.

6B. ORDINANCE NO. 2018-01 — SECOND AND FINAL READING/PUBLIC HEARING. An ordinance of the City Commission 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; adding 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.

City Attorney Mora read Ordinance No. 2018-01 by title only.

City Attorney Mora introduced Ordinance No. 2018-01 on second and final reading, and reviewed the substantive changes from first reading to second reading:

- Title: Corrected scrivener’s errors, amended title to reflect change to Section 110-843.
- Section 110-841, Definitions: Changed “or” to “and” in definition of public lodging establishment.

- Section 110-842, Minimum requirements: Enhanced explanation on exceptions to more explicitly address concerns of public. The following language was added: *"In the event items 1 or 2 above are not applicable to the property, the property owner shall provide a written statement and any support documentation setting forth the reason the requirement does not apply. The City Manager or his/her designee shall make a final determination as to the applicability of these minimum requirements for a short-term vacation rental.*
- Section 110-843, Vacation rental standards: Added advertising requirement per consensus.
- Section 110-845, Lease agreement: Removed requirement for age and name information of all guests per consensus.

City Attorney Mora stated Ordinance No. 2018-01 does not ban short-term rentals in Indian Rocks Beach. It does not restrict the duration or frequency of short-term rentals in the city of Indian Rocks Beach that is by design, that is because the Florida Legislature has made it such that this body cannot regulate that going forward.

City Attorney Mora stated Ordinance No. 2018-01 requires payment of taxes, requires the business tax receipt number be included on all advertising, including, but not limited to, print and internet-based advertising, and requires a sign out front that identifies whom the person or persons of contact should be in the event there is an issue on the property.

Mayor-Commissioner Kennedy opened the public hearing.

Carla Stall, Reef Club Condominiums, 1000 Gulf Boulevard, stated she supports the ordinance because it levels the playing field among rental owners and short-term renters on the west and east sides of Gulf Boulevard.

Bill Thomas, 470 20th Avenue, stated he just wants to make sure the ordinance is accurate and works for all parties. He stated the ordinance pinned to the website does not have the changes the City Attorney reviewed and stated the latest draft should be available to the public.

Terry Rolan, Indian Rocks Beach, stated she is in the process of purchasing some Indian Rocks Beach short-term rentals, and for safety concerns, she has an issue with posting her name and telephone number outside of her short-term rentals.

Joe Ferrell, Pinellas County Realtor Organization, stated the organization's goal is not to be in favor or against short-term vacation rentals. Their goal is to help craft an ordinance that will stand the test of time and to move the

community forward and for everyone to be happy with the situation. He stated their goal is to identify policies that can weed-out the bad actors, the ones that cause the problems. He stated his organization is worried about posting the name and telephone number of the designated short-term vacation rental responsible party for safety reasons, and stated if there is a problem, the complainant should call the sheriff's office or the city, and the city and the sheriff's office should have the contact names and numbers, they should not be posted in the front yard.

Ruth Coopee, 104 11th Avenue, stated she owns short-term vacation rentals, and stated there should be an occupancy limit on short-term vacation rentals, and owners should provide tax payment/statement records when applying for their annual business tax receipt.

Laura Lindsay, 115 12th Avenue, stated she has a short-term rental, and she also has a problem with posting her contact information out front for safety reasons and for the protection of her property.

Laurie Giesecking, 10 Gulf Boulevard (Cypress & Sun Condominiums), stated she has a concern with posting of contact information, the name and phone number of the designated responsible party on the front door of each unit, which basically lists it as a property rental. It is just asking for more transient, homeless-type troubles.

Hugh Burton, 1102 Beach Trail, stated what is being discussed this evening is "responsibility". He has been a homeowner and landlord for many years, and he would like to think he has been a responsible landlord, but unfortunately within any community it appears there are small groups of people that are perhaps not as responsible as they should be. The City Commission is tasked with a very difficult challenge, which is how do they get people to become more responsible. He has found over time fines seem to get people in line. What he has witnessed here, since he has moved back to the beach, is increased noise, increased trash, and poor maintenance of property.

Mr. Burton stated the City Commission might want to consider within the ordinance if there are so many registered complaints against a property because the property owner is not being a responsible landlord, that perhaps they get fined somehow.

Seeing and/or hearing no one wishing to speak further, Mayor-Commissioner Kennedy closed the public hearing.

City Attorney Mora stated the pinned document, (Ordinance No. 2018-01), on the City's home page versus the actual circulated agenda materials tracks to

the previous version, and the actual circulated agenda materials do, in fact, contain the revisions.

City Attorney Mora stated this ordinance applies 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").

City Attorney Mora stated to that end, he will revisit the changes between the last version and this version:

- Title: Corrected scrivener's errors, amended title to reflect change to Section 110-843.
- Section 110-841, Definitions: Changed "or" to "and" in definition of public lodging establishment.
- Section 110-842, Minimum requirements: Enhanced explanation on exceptions to more explicitly address concerns of public. The following language was added: "In the event items 1 or 2 above are not applicable to the property, the property owner shall provide a written statement and any support documentation setting forth the reason the requirement does not apply. The City Manager or his/her designee shall make a final determination as to the applicability of these minimum requirements for a short-term vacation rental."
- Section 110-843, Vacation rental standards: Added advertising requirement per consensus. "3. Advertising Requirement. All advertising for vacation rental units shall identify the City-issued business tax receipt number associated with the advertised rental property. The vacation business tax receipt number shall be included on all advertising, including, but not limited to print and internet-based advertising. 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 set forth in Section 110-848."
- Section 110-845, Lease agreement: Removed requirement for age and name information of all guests per consensus. "~~The name and ages of all persons who will be occupying the unit~~" has been changed to "The name of the primary responsible lessor who will be occupying the unit."

City Attorney Mora stated this body has explicitly considered occupancy restrictions, but has declined to include occupancy restrictions for a handful of reasons, one of which is the difficulty with which that is enforced. There are other communities who have included such language and are now facing for that and other reasons involving the way that they have regulated short-term rentals are facing multi-million dollar litigation and that was a risk that this body declined to take in regulating this issue.

City Attorney Mora stated another question arose about how owner-occupied properties are treated in this ordinance. He stated the required posting of the designated responsible party in Section 110-844 (1) does not apply in instances where the owner occupied a portion or division of the short-term vacation rental as his or her primary residence.

City Attorney Mora stated the next point that was raised concerned the terminology in this ordinance. One of the challenges when drafting legislation is trying to find language that appropriately captures what is at issue and is consistent with other regulatory schemes. The use of "transient public lodging establishment" aligns with language in the Fire Code, Pinellas County Land Use Regulation, and with the City Code elsewhere.

City Attorney Mora stated the last comment concerned registered complaints leading to augmented fines. This body has also considered that point in the course of evaluating and drafting this ordinance. The reason that particular language was not included was for a reason that has already been noted in other public comments, which is the inclusion of phone numbers or the ability to call the law enforcement is not dispositive of anything.

Commissioner Wrobel stated the City Commission has worked on this ordinance over the past year, and stated if there is a problem with a rental to call the sheriff's office.

Commissioner Palomba expressed concern with posting a sign in the front yard with the name and phone number of the designated short-term vacation rental responsible party, stating this could lead to nuisance calls or potential safety problems.

Commissioner Hanna asked the City Attorney to address, for clarification, the purpose for the signs in the front yards of short-term vacation rentals.

City Attorney Mora stated the reason for the sign is so the designated responsible party can be contacted and respond and resolve any issues or concerns raised by the City, law enforcement, and/or neighbors at the short-term rental.

Vice Mayor-Commissioner Hoofnagle suggested changing "name" to "business tax receipt number" in Section 110-844, Responsible Party, Subsection 1, Posted Contact Information.

CONSENSUS OF THE CITY COMMISSION THAT SECTION 110-844, RESPONSIBLE PARTY, SUBSECTION 1, POSTED CONTRACT INFORMATION, SHALL BE AMENDED TO READ AS FOLLOWS: "THE NAME

BUSINESS TAX RECEIPT NUMBER 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.

MOTION MADE BY VICE MAYOR-COMMISSIONER HOOFNAGLE, SECONDED BY COMMISSIONER PALOMBA, TO APPROVE ORDINANCE NO. 2018-01, ON SECOND AND FINAL READING, 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; ADDING 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.

**ROLL CALL VOTE: WROBEL AYE
 HANNA AYE
 PALOMBA AYE
 HOOFNAGLE AYE
 KENNEDY AYE**

THE MOTION CARRIED UNANIMOUSLY

[RECESS 8:30 P.M. — 8:38: P.M.]

6C. ORDINANCE NO. 2018-05 — SECOND AND FINAL READING/PUBLIC HEARING. An ordinance of the City of Indian Rocks Beach Florida, amending the Indian Rocks Beach Code of Ordinances, amending Chapter 15, Schedule of Fees, Article III, Planning/Zoning/Land Use, Section 15-20, Public hearing fees, reducing the fees associated with planned unit developments,



**INDIAN ROCKS BEACH
SHORT-TERM VACATION RENTAL
ORDINANCE NO. 2018-01
&
MAP**

Attachment # 11

**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; ADDING SECTION 110-843 ESTABLISHING STANDARDS FOR THE OPERATION OF SHORT TERM RENTALS; 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

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

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

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

WHEREAS, many 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 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 establishes 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. An Owner may retain a private property management company to serve as the Designated Responsible Party.

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, and 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, if applicable.; and

2. Obtaining a Florida Department of Business and Professional Regulation license as a transient public lodging establishment, if applicable; and
3. After first securing a certificate from the Department of Revenue, and a license from the Florida Department of Business and Professional Regulation, if applicable, 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.

Upon initial adoption of this Section, Owners of short term vacation rentals shall have 45 days to submit documentary evidence to the City of Indian Rocks Beach evidencing their individual efforts to register with the Florida Department of Revenue in compliance with this Section. In the event items 1 or 2 above are not applicable to the Property, the Property Owner shall provide a written statement and any supporting documentation setting forth the reason the requirement does not apply. The City Manager or his/her designee shall make a final determination as to the applicability of these minimum requirements for a short term vacation rental.

§ 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. An individual or entity desiring to operate a short term vacation rental shall sign a sworn statement, under penalty of perjury, that he or she believes the subject property is in compliance with all applicable City codes. Execution of this sworn statement is a pre-requisite to receipt of the business tax receipt and final approval to operate a valid short-term vacation rental.
 - b. 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.
 - c. 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. Advertising Requirement

All advertising for vacation rental units shall identify the City-issued business tax receipt number associated with the advertised rental property. The vacation business tax receipt number shall be included on all advertising, including, but not limited to print and internet-based advertising. 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 set forth in Section 110-848.

4. Other standards.

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

§ 110-844 Responsible Party

1. **Posted Contact Information.** The business tax receipt number for the short term vacation rental 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. This requirement shall not apply in instances where the Owner occupies a portion or division of the short term vacation rental as his or her primary residence.
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 when the short term rental is occupied. In the event there are no tenants or occupants in the structure a designated responsible party must be available within a commercially reasonable response time;
 - 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, or online lease, rental, tenant or other recorded usage agreement memorializing each tenancy in a vacation rental, between the owner or designated responsible party 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, or recorded usage agreement must contain the following information at a minimum:
 - a. The name of the primary responsible lessor who will be occupying the unit.
 - b. The dates on which the renters or lessees will be occupying the unit.
 - c. 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 parking, noise, nuisances, litter and abandoned property;
3. The scheduled days of trash pickup and recycling; and
4. The location of the nearest hospital.
5. 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.

§ 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.

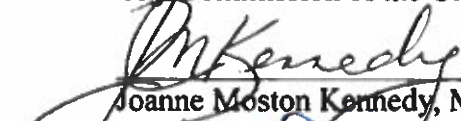
SECTION 6. EFFECTIVE DATE

This ordinance shall take effect immediately upon its passage.

PASSED ON FIRST READING on the 13th day of August 2018, by the City Commission of the City of Indian Rocks Beach

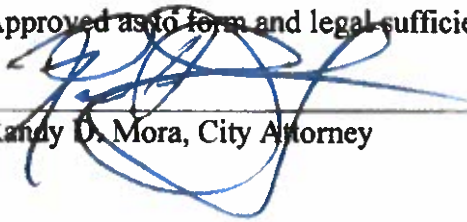
PUBLISHED this 31st day of August 2018, in the Tampa Bay Times newspaper

ADOPTED ON SECOND AND FINAL READING on the 11th day of September 2018, by the City Commission of the City of Indian Rocks Beach, Florida.

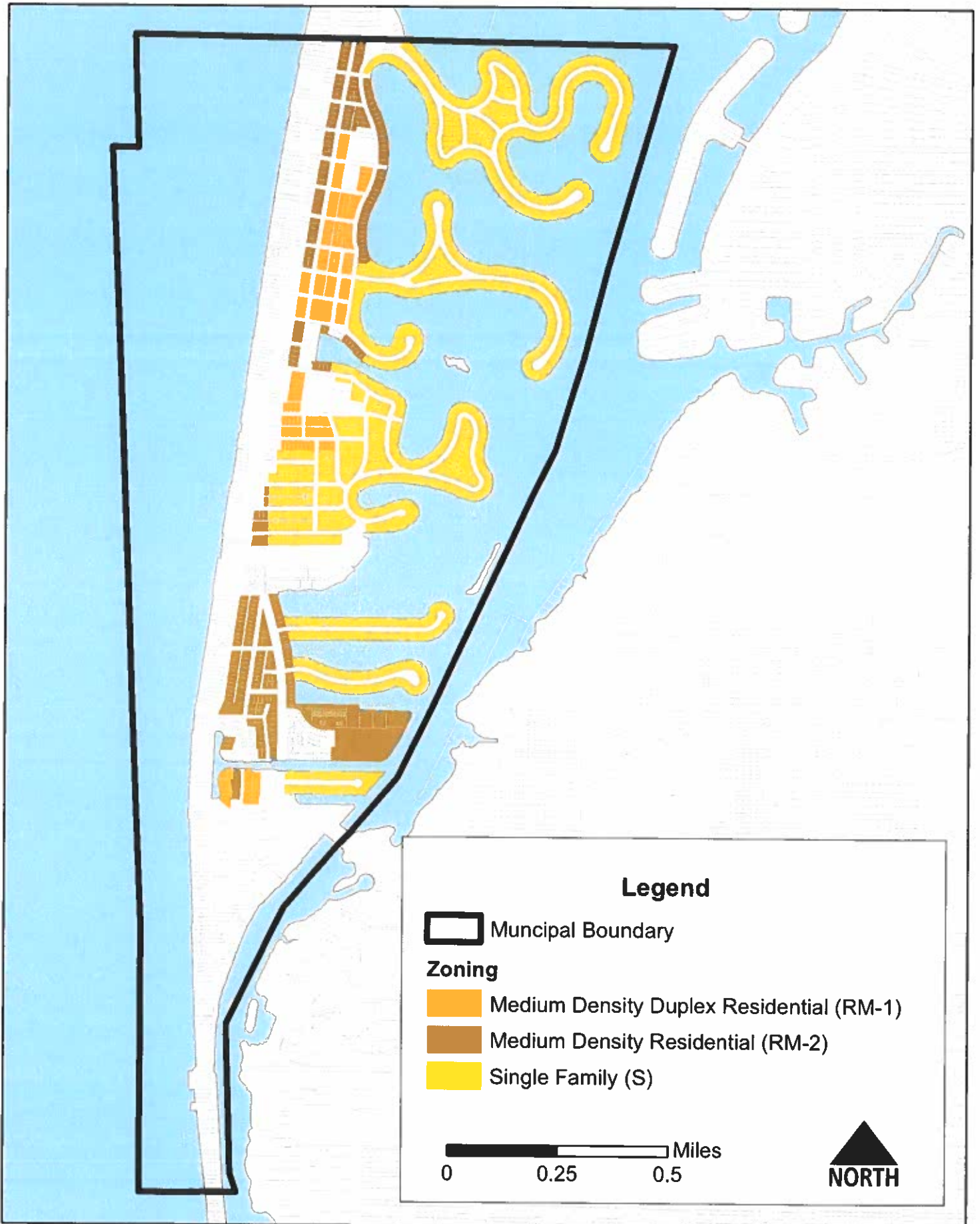

Joanne Moston Kennedy, Mayor/Commissioner

ATTEST: 
Deanne B. O'Reilly, MMC, City Clerk

Approved as to form and legal sufficiency:


Randy D. Mora, City Attorney

Areas Where Short Term Vacation Rentals are Permitted Per Ordinance 2012-08





**INDIAN ROCKS BEACH
SHORT-TERM VACATION RENTAL
APPLICATION**

Attachment # 12



CITY OF INDIAN ROCKS BEACH
 1507 Bay Palm Boulevard
 Indian Rocks Beach FL 33785
 Ph 727/595-2517 Fax 727/596-4759

APPLICATION – BUSINESS TAX RECEIPT – SHORT TERM VACATION RENTAL

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, and which is advertised or held out to the public as a place rented to guests within the single family ("S"), medium density ("RM2"), and medium density duplex residential ("RM1") 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.

Completion or acceptance of an application for and issuance or payment of Business Tax Receipt does not constitute a determination by the City that the property for which the tax is being paid is in full compliance with applicable Federal, State and local law ordinances and regulations, nor does it absolve the applicant of responsibility for obtaining all other licenses or permits necessary to conduct said occupation. It is the responsibility of the owner to comply with all applicable laws. Payment of said tax does not ensure any rights to operate this facility.

Business Tax Receipts renew annually and expire September 30th – Incomplete applications will be returned.

New Application - \$15.00

Non-refundable fee of \$15.00 for initial application plus \$10.00 per unit.

Note: the following is required prior to the issuance of a Business Tax Receipt:

Florida Department of Revenue Certificate, if applicable;

Florida Department of Business and Professional Regulation License, if applicable;

Transfer of current Tax Receipt (@ \$3.00 per unit)

Rental Property Address: _____

Property Owner(s): _____

Annual renewals are sent out as a courtesy to the address provided below:

Mailing Address: _____

Cell: _____ Home Phone: _____

E-mail: _____

_____ IF OWNER IS A CORPORATION OR PARTNERSHIP, PLEASE ATTACH PROOF OF VERIFICATION.

In Florida, please go to www.sunbiz.org; Out of state, please refer to your state's website

To be completed by Staff

Date received: _____ Amount paid: \$ _____ Check Cash Credit Card

Requesting: _____ BTR # _____ DBPR Lic. Rec'd: _____

Property Mgmt Co: Yes No

Do you have a Property Management company? [] Yes [] No
If yes, please complete below.

I authorize _____ to be my Property Management Company.

Management Company Address: _____

Rental Agent: _____

Office Number: _____

Rental Agent e-mail: _____

Property Owner Signature

Date

Please print name (Property Owner)

Property Owner Signature

Date

Please print name (Property Owner)

If you change Property Management Companies, please send a copy of this page with updated information to:

Finance Director
City of Indian Rocks Beach
1507 Bay Palm Boulevard
Indian Rocks Beach FL 33785

If you sell your property or are no longer renting, please notify the Finance Director, City of Indian Rocks Beach, so that we may close your account.

Ph: 727/595-2517
E-mail: coconnor@irbcity.com
or
eatkinson@irbcity.com

Attach one of the following to show ownership of the property:

_____ Updated profile page(s) from the Pinellas County Property Appraiser (www.pcpao.org)
OR
_____ Copy of *recorded* Warranty Deed

Rental property address: _____

Parcel ID # _____
Pinellas County Property Appraiser's website: www.pcpao.org

Zoning: "S" (Single Family) "RM 2" (Medium Density) "RM 1" (Medium Density duplex residential)
Property Description: Single Family Duplex Condo Other Describe: _____

Unit #: _____ SF (Living/Business Area): _____

Bedrooms: _____ SF (Total Under Roof): _____

Baths: _____

Designated Responsible Party:

(This requirement shall not apply in instances where the owner occupies a portion or division of the short term vacation rental as his or her primary residence.)

Name: _____

Address: _____

Phone #: _____

E-mail: _____

ALL PROPERTY OWNER(S) TO COMPLETE
(Print additional pages as needed)

I hereby certify that the information in the application is true and correct and that I am the owner of the property. By executing this application, I acknowledge that the property is subject to local, State and Federal laws and regulations. I acknowledge that the property and its intended use must comply with all applicable regulations.

I believe the subject property is in compliance with all applicable codes.

I understand that rental of a homesteaded property could result in loss of said homestead status and advantages. (For further information, please refer to F.S. 196.061 and contact the Pinellas County Property Appraiser at 727/464-3207.)

Completion or acceptance of an application for and issuance or payment of Business Tax Receipt for a Short Term Vacation Rental by the City of Indian Rocks Beach does not constitute a determination by the City that the property for which the tax is being paid is in full compliance with applicable Federal, State and local law ordinances and regulations, nor does it absolve the applicant of responsibility for obtaining all other licenses or permits necessary to conduct said occupation. It is the responsibility of the owner to comply with all applicable laws. Payment of said tax does not ensure any rights to operate this facility.

Completion or acceptance of an application that the applicant will operate the Short Term Vacation Rental in compliance with all Codes including the City of Indian Rocks Beach Ordinance No. 2018-01.

Property Owner Signature

Date

Please print name (Property Owner)

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____ 20 ____ by _____ (Property Owner)

who is [] personally known to me or has produced _____ as identification.

Commission expires:

Signature of Notary

Per F.S. 205.0535(5) A Receipt may not be issued unless the Federal Employer Identification Number (FEIN) or Social Security number is obtained from the person to be taxed.

For your protection, this information is not entered into our database and is not available to the public.

Rental Property Address: _____

List all property owners followed by Social Security number or FEIN # below:

Not a U. S. citizen? Please provide Taxpayer Identification number: _____

For questions, please contact the Florida Department of Revenue at 1-800-829-4933.

To be completed by staff:

BTR # _____

Date Rec'd _____



CITY OF INDIAN ROCKS BEACH
 1507 Bay Palm Boulevard
 Indian Rocks Beach FL 33795
 Ph 727/595-2517 Fax 727/596-4759
www.indian-rocks-beach.com

SHORT TERM BUSINESS TAX RECEIPT AFFIDAVIT
Local Vacation Rental Unit

Address: _____ Unit #: _____

City: _____ State: _____ Zip: _____

Phone: _____
 (at rental unit)

Name of rental property: _____

Property Owner

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone (Cell): _____ Land line: _____

I/we attest to the following:
(owner/agent must initial each item)

- _____ The property complies with FEMA regulations limiting the use of ground level space.
- _____ That the property owner or agent has an active license from the Department of Business and Professional Regulation (DBPR) for use of the property as a public lodging establishment.
- _____ That the property owner or agent has an active resale certificate for sales tax issued by the State of Florida.
- _____ That the property owner or agent collects and remits the required Tourist Development Tax pursuant to Chapter 212, F.S.
- _____ That the short term vacation rental property complies with all ordinances of the City of Indian Rocks Beach.

 Owner/Agent Signature

 Date

 Owner/Agent Printed Name

Ord. No. 2018-01

STATE OF _____
COUNTY OF _____

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the state and county aforesaid to take acknowledgements, personally appeared _____ known to me to be the person described in and who executed the foregoing instrument and he/she acknowledged before me that he/she executed the same.

WITNESS my hand and official seal in the county and state last aforesaid this _____ day of _____ 20____.

My Commission expires:

Notary Public

_____ Personally known

Produced identification:



**SHORT-TERM RENTAL
NEWSPAPER ARTICLES**

Attachment # 13

April 11, 2018

NEWS

Indian Rocks Beach is latest city to get creative in regulating short-term rentals



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INDIAN ROCKS BEACH — AS SHORT-TERM VACATION RENTALS CONTINUE TO THRIVE IN this Gulf front community, City Attorney Randy Mora sensed some residents gathered in City Hall on Tuesday expected him to make them all go away. So he let them down gently.

"I'm sorry, this is a bad situation regardless of which side of the line you're on," Mora said. "We cannot change the past, we cannot change what has been done to date. What we can do is adapt."

As vacation rental platforms like Airbnb and VRBO have boomed over the past decade, the state Legislature has restricted local governments from regulating the duration and frequency of stays. In response, cities are devising creative workarounds to control party houses and de-facto hotels in residential neighborhoods — many getting sued in the process.

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Chevy Silverado High Cour Goes Above and Beyond

By Chevrolet (Advertisement)

Indian Rocks Beach is the latest city to consider an ordinance targeting vacation rentals, this one requiring the homes be registered with the city, have a 24-hour emergency contact, issue rental agreements with all occupants' information and post noise and trash rules in the home.

Tuesday's workshop was an early step, with Mora not expecting the ordinance to go before the City Commission for a vote until late summer.

PREVIOUS COVERAGE: Disables cities seek state help with short-term rentals



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For resident Flash Gordon Williamson, it can't come soon enough. He said his waterfront neighborhood has gone from homey to touristy, bringing new visitors every week who disrupt the once-quiet lifestyle.

"It used to be we'd go to the beach and see Chuck and Cheryl on the way, Pat and Sandy on the way," Williamson said. "Now it is honestly like a sci-fi movie where it's invasion of the neighborhood snatchers. It's no longer a neighborhood. It's now a resort community."

Ashley Russell, who rents out her condo on First Street to vacationers, said regulations would only burden responsible homeowners bringing tourists and visitors to local businesses and restaurants and contributing to the local economy.

Russell said her unit is equipped with a crib, a high chair and baby-proof appliances, catering to family vacations instead of bachelor parties.

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really breaking into the tourism market.

Local restrictions on the books before 2011 were grandfathered-in, like Clearwater's 2003 ban on rentals shorter than one calendar month.

PREVIOUS COVERAGE: *Clearwater hires private eye to crack down on short-term rentals*

But the law made it so cities that altered their existing ordinances in any way lost them entirely. That's what happened to Indian Rocks Beach in 2012 when officials tried to change wording in a broader review of land use amendments.

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In 2014, the Legislature eased up and amended the law to only prohibit cities from regulating duration and frequency of short term rentals.

This triggered a flood of lawsuits as cities tried to regulate number of occupants, require annual inspections and other workarounds in response to residents' complaints about party houses and shift in neighborhood character.



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Department of Business and Professional Regulation and secure a business tax receipt from the city, which technically are already required for businesses even though many rental hosts blow off the rules.

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He said the only real new imposition is requiring a designated emergency contact, whose information would have to be posted on the dwelling.

Airbnb Florida Policy Director Tom Martinelli said the company is not against regulation. But what Indian Rocks Beach is proposing, similar to ordinances enacted in various South Florida cities, will not resolve the noise, trash and parking complaints for problem rentals, which are a small minority of vacation homes.

He said burdensome regulations only discourage compliance and that cities should enforce existing noise and trash ordinances to tackle offenders instead.

"Their theory is that more regulation equals less people wanting to do this," Martinelli said. "If history is any indicator of how this works, that is going to fail."

Airbnb is by no means the only online platform hosts use to rent out their homes. But it is one of the only companies to collect tourism tax on behalf of hosts upfront, now with agreements in 39 Florida counties.

Last year, Airbnb paid \$1.87 million in bed tax to Pinellas County on behalf of its hosts and \$562,000 in Hillsborough County, according to its 2017 report.

PREVIOUS COVERAGE: As Airbnb's competitors grow, Florida tax collectors work to strike more deals

If the Legislature is preventing cities from banning short term rentals outright, Commissioner Philip Wrobel said it's the city's obligation to regulate what they

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Some of the homeowners are investors who buy houses as a business, with no connection to the area at all.

"You have people right now that own homes in Indian Rocks Beach that probably have never been here," Wrobel said. "It's not a problem that will ever go away unless we do put some regulations in place... it's always going to happen as long as Tallahassee ties our hands. Period."

Contact Tracey McManus at tmcmanus@tampabay.com or (727) 445-4151. Follow @TroMcManus.

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TRACEY MCMANUS
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July 5, 2018

FLORIDA POLITICS

Pinellas beach mayors want to take back power over short-term rentals



Jo Hammond, 57, left, and Flash Gordon Williamson, 59, stand at the property line bordering their home at 514 Janice Place, left, and a rental property at 610 Barry Place, on Indian Rocks Beach. Hammond and Williamson say



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CLEARWATER — Nearly every week so far this year, Flash Gordon Williamson and Jo Hammond have seen a different group of vacationers arrive in the house next door in their quiet Gulf front neighborhood.

College kids who brought new friends back from the bar to party after closing time. A family whose kids began splashing in the pool by 7 a.m. A full-fledged wedding reception.

The couple thought they settled in their dream home in 2003 when they moved into a one-story bungalow on a residential finger of Indian Rocks Beach. Since the boom of beachfront property owners renting out homes by the week, even by days, through platforms like Airbnb and others, it's become more of a nightmare.

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"It's no way to live, it's not what we bargained for when we moved here," said Williamson, 59. "What should be this idyllic neighborhood, all of a sudden we're next door to a hotel resort motel."

A state law prevents cities from regulating the length of time people can rent out vacation homes in residential neighborhoods. But a group of Pinellas County beach mayors are brewing a grassroots movement to bring the Legislative Delegation to a roundtable discussion this summer and demand a bill be filed next year giving oversight back to cities.

In a conservative Legislature that points to property rights and tourism, state Sen. Jeff Brandes, R-St. Petersburg, said change won't be easy.

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By *Brake For It*

"There's concern that cities will far overreach and begin to violate property rights of these people that bought these homes as second homes and have rights to rent their houses out," Brandes said. "It can be very political at the local level."

About 82 percent of the 154,000 short-term residential units in Florida being advertised online right now are concentrated in just 15 counties, including Pinellas, [according to Host Compliance, a San Francisco tech company that provides rental data to more than 125 governments nationwide.](#)

As of last month, Host Compliance data showed 8,147 rental units advertised in Pinellas, a 57 percent increase from last year. Hillsborough County is not as flooded, with 2,502 units advertised. But it represents a 64 percent jump from 2017.

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A 2011 state law, amended in 2014, prevents cities from banning short-term

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to change wording in a broader review of land use amendments.

Since then, Mayor Cookie Kennedy has fielded steady complaints from residents. She drove out to Williamson and Hammond's home to see the wedding reception next door. Her City Commission is expected to vote on an ordinance in August that's a work-around for cracking down on short-term rentals, requiring them to register with the city, have a 24-hour emergency contact posted outside, issue rental agreements with all occupants' information and post noise and trash rules in the home.

RELATED: Indian Rocks Beach is latest city to get creative in regulating short-term rentals

North Redington Beach Mayor Bill Queen, whose city has a 90-day rental minimum in residential zones, said he fears if the Legislature doesn't act now, the tourism industry will pressure lawmakers to further restrict cities and revoke grandfathered ordinances like his.

"This is a show stopper, it's going to hurt us," Queen said. "Do you know what short term rentals bring? It's issues with noise, parking, garbage, safety. Instead of us dealing with it every now and then, we're going to be dealing with it every week."

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Indian Shores Mayor Patrick Soranno said the concept goes further than vacation rentals. He sees the Legislature infringing on home rule, a city's ability to craft its own laws.

"They're telling us how to run our towns," Soranno said. "We have zoning laws enacted by local towns based on residents' wishes. If you're zoned residential, you can't put a tanning facility next to you, a pig farm, commercial interests. What

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state Division of Hotels and Restaurants but also allow local governments to set limits on duration and frequency "within reason."

Simmons said he could not commit yet on a time limit, like a seven-, 14- or 30-day minimum, but wants to provoke conversation to find a compromise.

"To completely deny somebody in an area the ability to use his or her property as a rental, that's not something contemplated here," he said. "It's preserving the quality of a neighborhood in a community based upon the rights of local government to do that. We've got to stop the abuses but at the same time continue to permit a robust and highly competitive market in vacation rentals."

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Simmons introduced a similar bill in 2018, but it was consolidated with a more restrictive bill from state Sen. Greg Steube, R-Sarasota, that would have further pre-empted local regulation. It died in committee.

Brandes said if a bill is introduced next year, he would advocate for up to a 14-day rental minimum, giving cities with no laws on the books some relief and providing a middle ground he thinks would be palatable to rental proponents. Brandes said he would advocate for cities with grandfathered ordinances for longer restrictions to keep them as-is.

Even that doesn't appear it would fly.

"I asked (Brandes) to rescind the 2011 legislation," Queen said, giving cities full authority to regulate. "We did not send him up there to try to pass through what he thinks can pass through. We sent him up there to represent the people."

Greg Holcomb, government relations manager for the Vacation Rental Management Association, said cities can address bad actors through existing noise

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a wall around our communities and say stay out?" Holcomb said.

To Williamson and Hammond, it feels like they're being forced out.

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A woodworker, Williamson built the Curly Maple and Bubinga wood door of their home, installed the cherry baseboards, peppered the walls with Hammond's artwork.

"Every inch of this place we crafted to our personalities," he said.

But he said the influx of vacation rentals has pushed him to begin considering leaving his dream home, and the next-door neighbors, behind.

Contact Tracey McManus at tmcmanus@tampabay.com or (727) 445-4151.
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TRACEY MCMANUS

Clearwater and Scientology Reporter

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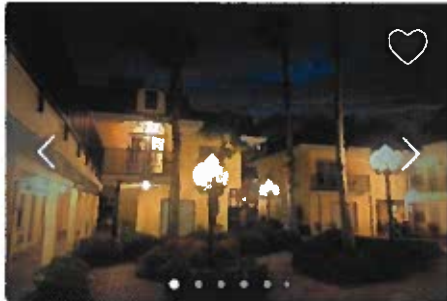
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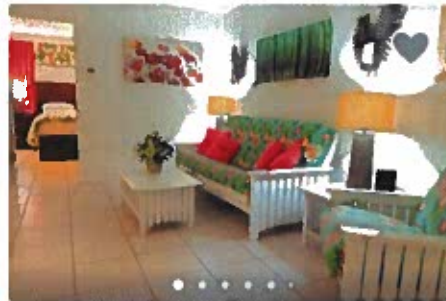
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Indian Rocks Beach tackles short-term rentals with new ordinance

By BRIAN GOFF, TBN Correspondent
Sep 20, 2018



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A search for any Pinellas County beach town on Airbnb, which operates an online marketplace for people to lease or rent short-term lodging, provides hundreds of results.

INDIAN ROCKS BEACH – City commissioners unanimously passed an ordinance Sept. 11 governing short-term rentals in the city.

The move came after weeks of meetings dealing with the matter, all underlined by the fact that the city could not pass any ordinance dictating the length or frequency of a rental. The state Legislature took that power away from municipalities some time ago.

The ordinance passed by the city forces landlords to obtain a business license and to post the number of that license along with their phone number on a sign attached to the front of the home. Rentals with the owner on site do not require the sign.

Going into the meeting that part of the ordinance required the name of the landlord be posted, but several residents who attended the meeting were concerned about that.

Joe Farrell, representing Pinellas Realtors, said his group was concerned about the sign.

"It is a matter of safety and harassment," he said.

Laura Lindsay agreed.

"I am concerned about safety," she said. "It is redundant; if we have to have a license then you know who we are."

Another landlord added her voice to the argument.

"I'm a condo owner and a representative of all the people in my building," she said. "Having a sign on the front door would be asking for trouble. I've already had issues with the homeless; it puts me in danger."

City Attorney Randy Mora explained that the sign was important for the police, who may be called to the residence to quell a disturbance, to know who to contact.

Another complaint from residents at the meeting dealt with the number of people who could be in a rental property at the same time. One man said he saw 22 people come out of a duplex.

Mora said the commissioners discussed that issue at length and decided enforcing such a regulation would be impossible.

"What do you do when the renter says he has all these people over to watch the game?"

He said several Florida communities are facing lawsuits over the issue.

At previous meetings, where the issue of short-term rentals was discussed, residents who showed up were mostly homeowners who objected to having short-term rentals as their neighbors. This time most of those in attendance were renters, people who owned rental property or who rented their property through Airbnb.

Still some of the old issues resurfaced. Resident Hugh Burton called it a matter of responsibility.

"How do we get people to be responsible?" He asked. "There are still issues of noise, trash and maintenance. You might want to consider that property owners be fined after a certain number of complaints."

Later in the meeting Mora said that idea was not practical.

"Just because someone has been investigated by the police doesn't mean they have committed an infraction, so the number of calls is irrelevant in this case."

Mora cautioned the audience and the commissioners that things could change in the future.

"We are trying to adapt here," he said. "We have to be aware that the Florida Legislature could pass legislation that could make everything we did here null."

Mayor Cookie Kennedy wrapped up discussion on the matter by saying it was a difficult issue to deal with.

"This commission has been good stewards of this issue," she said. "We are interested in being fair for both neighbors and owners. This is not a one size fits all issue; problems are different throughout the issue."

Kennedy noted that Indian Rocks Beach had just passed some ground-breaking legislation.

"I've been invited to speak in Largo where they do not have an ordinance governing short-term rentals. Our city is being looked at as a prototype."

Staff evaluations

LOCAL NEWS

A tale of two residents: why some welcome short-term rentals and others hate them

Beach towns in Pinellas County want to control short-term rentals while the state pushes for standard rules

BREAKING NEWS Parkland families address mass school shooter during his sentencing hearing [Read More »](#)



Author: Madison Alworth
Published: 6:28 PM EDT September 25, 2019
Updated: 6:28 PM EDT September 25, 2019



PINELLAS COUNTY, Fla. — People along Pinellas County beaches have dealt with short-term rental complaints in recent years. In some cases, houses in residential communities have been used as party spots with no cap on the number of occupants that can stay there.

Multiple Pinellas county beach mayors met to discuss and address concerns around these short-term rentals.

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"As the mayor of a city, which lost the ability to regulate short-term rentals in the residential district of Indian Rocks Beach, I know firsthand the numerous issues facing us with vacation rentals," said Mayor Cookie Kennedy of Indian Rocks Beach.

After changing some of the language in their local ordinances, Indian Rocks Beach lost their jurisdiction and now follow state regulations when it comes to short-term rentals.

Long-term residents like Jean Scott feel this change is for the worse.

"They've turned it into a party city and it's not good for Indian Rocks Beach," Scott said.

Other mayors, like Bill Queen of North Redington Beach, fear his town might lose their ability to self govern.

"The biggest problem that we have is we want to make sure that we are protected on the rules that are in place now," Queen said. "We do not want to see the grandfathering clauses eliminated. A lot of us have the ability to control our own towns, control our own zoning and everything else, we don't want to lose that ability. And what we are afraid of is there's going to be a push to eliminate all grandfathering."

With tourism being a huge driver of the beach economy, the concern seems to lie in mismanagement.

"The problem with the people who live in their homes and want to rent them out is very minimal compared to the investor who wants to invest and have a home for rent," Queen said. "Because they are out of sight, out of mind. And whatever happens, happens."

Sean Neal of Largo is not one of those Airbnb hosts. He sectioned off a portion of his home to rent out four years ago after a diagnosis changed his life.

"I have progressive MS," Neal said. "Spent about a year and a half in a wheelchair. I have really good doctors and a really good wife."

His wife, Jennifer, was the driving force behind his move into Airbnb.

Now, Neal manages the property full-time. He and his wife live in the front of the house, and he rents out the back half and private yard to customers who meet all his personal requirements.

He runs his home like a local business.

"We have strict age limitations, two people max, that's it. One vehicle max," Neal said. "We have a lot of rules and regulations, and we abide by them. In the four years, I've had to eject three different sets of people. That's in four years though. Because late night parties, invited a bunch of people over, and bye. You gotta go. This is my neighborhood."

The mayors who met today are hoping the state legislatures will avoid passing other bills that would further restrict local governments' ability to moderate short-term rentals.

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Beach mayors stand united on home rule, short-term rentals

By JEANNIE CARLSON, TBN Correspondent

Oct 2, 2019

INDIAN ROCKS BEACH — The Barrier Island Government Council held a news conference after its meeting at the Indian Rocks Beach Civic Auditorium on Sept. 25 to show a united front in support of home rule for each municipality's right to determine if, when and how they will allow short-term rentals in their communities.

Some House bills that would have further eroded home rule stalled in the 2019 legislative session. However, it appears that these bills will again be addressed in Tallahassee in the coming session. According to the House of Representatives website, the bills in question, if passed, would give any property owner the "constitutionally protected right" to rent their property at will, and regulations, complaints, and compliance would be preempted to the state.

Indian Rocks Beach Mayor Joanne "Cookie" Kennedy opened by explaining the issue of self-governing when it comes to zoning and short-term rentals. Kennedy identified the primary concerns on the issue in beach communities as "safety, parking, noise, frequency, occupancy, local governance, short-term rentals and the environment."

State Rep. Jennifer Webb, D-Gulfport, was guest speaker on the issue. Webb began with "home rule must be maintained." In the last decade, legislative efforts to negate home rule are said to have undermined local governments' authority to enforce town and city ordinances regarding short-term rentals unless they have been grandfathered in and without any recent changes or amendments to the original ordinance.

Webb commended the BIG-C on "striking a balance between what is good for commerce and what is good for the community."

Each mayor that was present at the BIG-C meeting stood together in solidarity in favor of home rule and the corresponding short-term rental issues. Standing with Webb and Kennedy were the following mayors: Lawrence Lunn, Treasure Island; George Cretekos, Clearwater; Bill Queen, North Redington Beach; MaryBeth Henderson, Redington Shores; Patrick Soranno, Indian Shores; Joseph Manzo, Belleair Beach; Alan Johnson, St. Pete Beach; and Nick Simons, Redington Beach.

“This is not just a beach issue; this is a Florida issue,” Cretekos said.

Lunn concurred. “Based on grandfather provisions, so far we (Treasure Island) have been able to hold on (to our authority in this matter), but I support home rule,” he said.

Loss of local authority over short-term rentals seemed counterintuitive to when the towns have had many decades of successfully handling these issues on their own.

“Eighty years North Redington Beach has had short-term rentals,” said Queen.

In other BIG-C matters

- Forward Pinellas planner Sandra Knoebel asked for one of the mayors from the BIG-C to fill the open Gulf beaches seat. Forward Pinellas, which meets three times per year in Clearwater, is a land use and planning agency. Kennedy volunteered for the seat on the 13-member Forward Pinellas board, which facilitates school safety, transportation and bus routes. The BIG-C unanimously approved Kennedy’s appointment.

- Florida State Sen. Jeff Brandes, R-St. Petersburg, sent a reminder to the mayors to submit their appropriations requests as soon as possible. The Florida legislative session starts Jan. 14.

Next month’s BIG-C meeting will take place Wednesday, Oct. 30, at 9 a.m. in the Belleair Beach Community Center.

https://www.tbnweekly.com/beach_beacon/article_55a84cec-3d31-11ea-ae43-cbffa144b58.html

Indian Rocks Beach gears up for another fight with state over short-term rentals

By BRIAN GOFF, TBN Correspondent

Jan 22, 2020



At the request of U.S. Rep. Charlie Crist, center, Mayor Cookie Kennedy, seated to the right of Crist, set up a roundtable forum to discuss red tide Jan. 11 in Indian Rocks Beach. Those at the forum included Pinellas County Administrator Barry Burton; Kelli Levi, director of Pinellas County Environmental Management; Steve Hayes, chief executive of Visit St. Pete-Clearwater; Matt Loder, owner of Crabby Bill's restaurant; and local fisherman Rodney Finke.

Photo courtesy of BOB GRIFFIN

INDIAN ROCKS BEACH — The Florida Legislature is not finished with the issue of short-term rentals in the state, and residents of IRB are not finished either.

At the city's regular commission meeting Jan. 14, City Attorney Randy Mora said bills before both the Florida House and the Senate could take away all the city's powers when it comes to short-term rentals.

"It would preempt all local involvement in short-term rentals," he said. "Governing short-term rentals would be the exclusive domain of the state. It would even eliminate the 2011 grandfather clause."

As it stands, local municipalities cannot dictate how often a homeowner can rent his or her property nor for how long. Up until now, communities with laws involving short-term rentals that were in place before 2011 could keep those laws. Now, Mora says that could go, too.

Several residents at the meeting were not ready to give in, however. Bonnie Sullivan, who lives near a short-term rental, said it is threatening her quality of life.

"Short-term rentals are changing the fiber and vibe of our neighborhood," she said. "We have owned our home here for years."

She said in one 30-day period the house next door to hers was rented nine different times with 44 guests.

She pointed out that in her neighborhood there are 80 homes — 11 of those are vacation rentals, and only two are owned by local residents.

"That means that 14% of the homes in our neighborhood are short-term rentals," she said. "This has become an unattended hotel district. There are constantly unacceptable noise levels."

Sullivan is upset that the city has no control over the rentals and she is joining those fighting to preserve home rule.

"This should be in the hands of local government," she said. "One-size-fits-all is wrong."

Mayor Cookie Kennedy said, "This is the most detrimental issue in our community."

Mora said the fight against the state over the rentals has been, and will be, a tough one.

"The issue is difficult," he said. "There are competing interests and there is not a simple solution. There are a lot of moving parts."

Some state lawmakers have argued that individual property rights are paramount and no government entity should be able to dictate what a homeowner can or can't do with personal property.

Mora has promised to keep the commission informed on the issue. Meanwhile, Sullivan said she and other residents will continue to write letters to their representatives in Tallahassee letting them know of their concerns.

New building code arrangements

City Manager Gregg Mims has been given the green light to set up an agreement with Pinellas County that would have the county handle all the city's building services.

Mims said the new arrangement would increase efficiency.

"Our building department consists of two people, the building official and an assistant," he said. "There is no way they can properly handle what has to be done in a building inspection where there are plumbing components, electrical components, structural components. There are also residential and commercial differences."

Mims said the county is in the process of upgrading its own building department with new software that will streamline the county's efforts. He said the change would be revenue-neutral.

Pinellas County already does the building work for several other communities in the county so its involvement with IRB would just add to that total.

To have the county do building inspection and permitting work for the city is actually nothing new. Each year, the city has to call on the county for certain specialized work. There is a budget for that, and in December the city paid nearly \$24,000 for building work. The annual budget is \$50,000 and Mims said the city is constantly going over that budget. In 2015, \$114,000 was paid to the county for building work.

https://www.tbnweekly.com/beaches/article_75c76c3c-76cf-11eb-93c8-17337590577c.html

Beach mayors unite against state authority on short-term rentals

By JEANNIE CARLSON, TBN Correspondent

Feb 24, 2021



Beach mayors gathered last week to discuss opposition to bills giving the state, rather than local communities, the authority to regulate short-term rentals. From left are Joanne "Cookie" Kennedy of Indian Rocks Beach; Alan Johnson, St. Pete Beach; John Hendricks, Madeira Beach; Bill Queen, North Redington Beach; Patrick Soranno, Indian Shores; and Larry Lunn, Treasure Island. Not pictured are Nick Simons of Redington Beach, who is not seeking reelection, and MaryBeth Henderson of Redington Shores.

Photo by JEANNIE CARLSON

NORTH REDINGTON BEACH — Mayors from seven beach towns gathered for an informal strategy meeting to discuss bills currently under consideration in both the Florida House and Senate, which, if passed, would give the state authority over municipalities when it comes to vacation rentals.

House Bill 219 and Senate Bill 522 were the mayors' main topic of conversation over lunch at Burrito Social on Feb. 17.

The mayors present were Joanne "Cookie" Kennedy of Indian Rocks Beach, Alan Johnson of St. Pete Beach, John Hendricks of Madeira Beach, Bill Queen of North Redington Beach, Patrick Soranno of Indian Shores, Lawrence Lunn of Treasure Island, and MaryBeth Henderson of Redington Shores. Redington Beach Mayor Nick Simons was invited, but declined as this will be his last week in office.

On Feb. 11 the Florida League of Cities sent out an action alert email urging municipalities to oppose these short-term rental bills that would undermine "home rule." That set the mayors in motion.

According to the Florida League of Cities, the passage of a bill — the House and Senate versions would be consolidated — would "undo local registration, inspection or licensing requirements specific to short-term rentals adopted since 2014; (wipe) out ordinances that were developed and adopted after numerous rounds of public input and feedback from all stakeholders (realtors, property managers, investors, and residents)."

All seven mayors were in unanimous opposition to the bills. "There is no politics when it comes to municipal issues," said Queen, who organized the gathering. "We (the mayors) don't all agree on national politics, but when it comes to our beach towns, what is a problem for one of us is likely to be a problem for all of us. We have the same issues and we all want what's best for our towns."

The consensus was to get the word out to the residents of the beach towns so that citizens can let their wishes be known to their state senator and representatives.

Sen. Jeff Brandes, a Republican from St. Petersburg, is the state senator for District 24, which covers the beaches from St. Pete Beach to Belleair, Largo, Pinellas Park and northern areas of St. Petersburg (email: [HYPERLINK "mailto:brandes.jeff@flsenate.gov" brandes.jeff@flsenate.gov](mailto:brandes.jeff@flsenate.gov)). Linda Chaney, a Republican from St. Pete Beach, is the state representative for District 69, which covers the beaches from Tierra Verde north to Redington Shores (email: [HYPERLINK "mailto:linda.chaney@myfloridahouse.gov" linda.chaney@myfloridahouse.gov](mailto:linda.chaney@myfloridahouse.gov)). Nick DiCeglie, a

Republican from Indian Rocks Beach, is the state representative for District 66, which covers the beaches from Indian Shores north to Clearwater (email: [HYPERLINK "mailto:nick.diceglie@myfloridahouse.gov" nick.diceglie@myfloridahouse.gov](mailto:nick.diceglie@myfloridahouse.gov)).

Kennedy read aloud an email response Indian Rocks Beach received from DiCeglie on Feb. 11. "As you know, HB 219 is moving in the House and the next stop will be Ways and Means, which is a committee I sit on," wrote DiCeglie. "I have serious concerns with this bill. While I completely understand the intent to create a uniform regulatory environment across each county, the complete preemption to the state for vacation rentals is very problematic for me."

Kennedy said she followed up with a phone call to DiCeglie, and said he understands that if the bill goes through, it will be very difficult to hold bad actors accountable. In DiCeglie's earlier email he stated, "I am not confident the DBPR (the state Department of Business and Professional Regulation) has the resources to adequately regulate, respond and have the ability to hold the bad actors accountable."

"Code enforcement can't keep up with it now," said Johnson, who is also the vice president of the Barrier Islands Governmental Committee, or BIG-C. Short-term rental issues like noise and parking are already a concern for the beach towns.

Both Kennedy and Queen were among the 100 recipients of the Florida League of Cities' 2020 Home Rule Heroes for their work in support of home rule during the 2020 Legislative session. "We all have a good relationship, come together, and try to be a force for good," said Kennedy.

Added Hendricks, "If anything should be home rule, this (short-term rentals) should be it."

Lunn pointed out that although the Florida League of Cities supports home rule, not everyone does. "The Chamber (Tampa Bay Beaches Chamber of Commerce) is on both sides of this issue," said Lunn.

Henderson explained that her town, Redington Shores, has put ordinances in place regarding short-term rentals, and that the short-term rental companies have been cooperating. "We have a maximum guest allowance of 12 people per house, and Vrbo (Home Away) got on board," said Henderson, who is also the treasurer/secretary of the BIG-C. The rental company posted the town's requirement on its website.

"You could have a motel next to your house if these bills pass," said Queen.

In addition to educating residents about the bills and what is at stake, the group of mayors agreed to work together as the executives of their respective towns. Soranno, who is also the president of BIG-C, agreed to write a letter from the organization to the state representatives, state senator and the governor opposing the bills. "We will sign it at the next BIG-C meeting and I'll draft a resolution for each town to endorse," said Soranno.



**INDIAN ROCKS BEACH
SHORT-TERM RENTAL
1ST MASS COMMUNICATION**

Attachment # 14

To VRBO and Operators,

To enhance communication with owners and operators of vacation rentals in the City of Indian Rocks Beach you will receive communication from the City on a regular basis. This communication will remind you of rules and regulations that apply to VRBO's and general information that we would like you to be aware of.

As a VRBO operator you should know how important it is to residents to keep our neighborhoods peaceful and clear of refuse. Sometimes vacationers may not understand that while they are enjoying our wonderful beach town someone next door is raising a family or just trying to enjoy a peaceful evening. Please ensure that your visitors know that they are vacationing in residential neighborhood. Those that violate the city's noise ordinance will be warned and/or cited.

Solid Waste

We are having an ongoing problem with vacation rental properties placing garbage and/or recycle cans on the street before the prescribed time. If this happens the property owner/operator will be warned once and then will be fined for each occurrence. The current IRB City Code allows for fines up to \$500.00 Please help the city, your neighbors and yourselves by not violating this city ordinance. Additional information on solid waste rules and regulations may be found on our website www.indian-rocks-beach.com or you may contact our Public Works Department at (727)595-6889.

Compliance with Codes

As a licensed VRBO operator and in accordance with City of Indian Rocks Beach Ordinance #2018-01 you have certified that you are following all local, state & federal codes. Over the next few weeks, the City along with the possible inclusion of other entities will schedule an inspection of your property. The primary purpose of the inspection will ensure compliance with Ordinance #2018-01. This inspection is allowed pursuant to code Sec. 110-943(c). When contacted we would appreciate your assistance in scheduling this inspection in a timely manner.

Upcoming City Commission Meeting Concerning Vacation Rentals

The City of Indian Rocks Beach City Commission will hold a special meeting to discuss vacation rentals on November 15 ,2022 at 6:00 PM. The meeting will be held in the city's auditorium at 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida. The purpose of the meeting is for the Commission and public to discuss vacation rentals and Ordinance #2018-01 . As property owner/operator of a VRBO you are invited to attend and provide your input.

~ WORKING TOGETHER ~

For questions and further information contact Code Enforcement:

Mike Kelley – mkelley@irbcity.com or Frank Pecoraro – fpecoraro@irbcity.com

(727)595-2517



**INDIAN ROCKS BEACH
SHORT-TERM RENTAL
POST CARD**

Attachment # 15

WORKING TOGETHER

CITY COMMISSION MEETING

The next regular Indian Rocks Beach City Commission meeting is Wednesday, November 9th, 2022, at 7:00 P.M. There will be a discussion of **Indian Rocks Beach Curbside Recycling Program**.

A Special City Commission meeting is scheduled for Tuesday, November 15, 2022, at 6:00 P.M. To discuss **Short Term Vacation Rentals- Ordinance No 2018-01**.



LEGISLATIVE RESPONSE TO INVITE

Attachment # 16

Name	YES	NO	MAYBE	FURTHER RESPONSE
Senator Hooper			?	We have added this to his calendar, and we will do our best to get him there.
Senator Brandes				WAITING ON RESPONSE
DiCeglie		NO		At this time, we are not adding anything to the calendar for November.
Latvala				WAITING ON RESPONSE
Rayner	YES			Aide Olivia Canto will attend.
Koster				WAITING ON RESPONSE
Diamond				WAITING ON RESPONSE
Chaney		NO		Aide phoned in- not able to attend
Sprowls				WAITING ON RESPONSE
10/25/2022				



**FLORIDA LEAGUE OF CITIES ACTION
AGENDA TOP 5 PRIORITY SINCE 2014**

Attachment # 17



2014 LEGISLATIVE ACTION AGENDA



Vacation Rentals

Proposed Policy:

The Florida League of Cities SUPPORTS legislation that repeals the state preemption of the regulation of vacation rental properties in order to allow local governments to regulate such properties to protect the health and welfare of their residents, visitors, and businesses.

Background:

In 2011, the Florida Legislature passed HB 883, which preempted local governments from regulating vacation rentals. Proponents of the bill claimed that city ordinances regulating vacation rentals were too restrictive, eroded private property rights and discouraged investment in the housing market. Cities throughout Florida had seen developers encroaching on residential neighborhoods with commercial development, replacing existing houses with very large houses meant only for renters. These large vacation rentals were essentially operating as hotels in residential neighborhoods. As a result of these buildings operating as hotels, cities across the state rightfully attempted to regulate them as such. They began regular inspections and imposing other regulations, such as parking or fire code standards. Hotels pay bed taxes and are zoned as commercial properties; vacation rentals are not. Cities mentioned that too little oversight could expose guests to dangerous situations, create unfair competition in the tourism industry, and rob the state and local governments of tax dollars.

Late in the 2011 session, provisions were added to HB 883 that allowed cities with vacation rental ordinances in place by June 1, 2011 to retain those ordinances. While this “grandfather” provision helped, new problems have emerged with vacation rentals and many cities are reluctant to amend their ordinance out of fear of voiding their existing ordinance.

Current Status:

The Florida League of Cities testified in opposition to the preemption bill during the 2011 legislative session and argued that the legislation would make it impossible for cities to craft solutions to local problems associated with these properties. There have not been any bills filed to-date dealing with vacation rentals, but Senator John Thrasher and Representative Travis Hutson were recently quoted in a *Daytona Beach News Journal* article saying that they will be filing bills this year to remove the preemption from state law.

Contact: Casey Cook, ccook@flcities.com

Revised: 11/21/13



Short-Term Rentals

Priority Statement:

The Florida League of Cities SUPPORTS legislation that restores authority to local governments for the regulation of short-term rental properties as necessary for quality of life, public safety and a fair lodging marketplace. The Florida League of Cities SUPPORTS legislation clarifying that existing, grandfathered municipal short-term rental ordinances can be amended without penalty. The Florida League of Cities OPPOSES legislation that preempts municipal authority as it relates to the regulation of short-term rental properties.

Background:

- The Legislature preempted cities from regulating short-term vacation rentals in 2011. Municipalities with an existing ordinance at that time were “grandfathered” and allowed to keep what was already in place.
- Cities without an ordinance lost the ability to regulate the location of these properties resulting in a proliferation of short-term rentals in areas that had traditionally been long-term residential neighborhoods.
- Currently, available solutions for cities are inadequate and will not solve the problems that many communities are facing.
- The restoration of zoning authority will allow cities to implement smart, targeted solutions to problems caused by vacation rentals and ensure the preservation of traditional residential communities and neighborhoods.



BENEFITS OF MEMBERSHIP

The Florida League of Cities has been the voice of municipal government for 100 years, and our mission remains timeless: "Local Voices Making Local Choices." We advocate for local self-government on behalf of cities at the state and federal levels. We empower municipalities and strengthen our collective voice by providing city officials with advocacy, training, financial solutions, resources and expertise. Together, we defend Home Rule.

Dedicated to serving the needs of city governments, we provide numerous benefits to our member cities.



STATE & FEDERAL ADVOCACY

The League's top priority is representing more than 400 municipal governments advocating for local control at the state and federal levels. Our experienced and influential lobbying team track hundreds of issues each legislative session. League members interested in national issues are encouraged to join the Federal Action Strike Team, while those interested in statewide issues can become a member of one of the League's five policy committees:

- 1 Finance, Taxation and Personnel
- 2 Land Use and Economic Development
- 3 Municipal Administration
- 4 Transportation and Intergovernmental Relations
- 5 Utilities, Natural Resources and Public Works.





LOBBYING TEAM



CASEY COOK
Legislative Affairs Director
850.228.8559 (cell)
ccook@flcities.com



AMBER HUGHES
Senior Legislative Advocate
813.777.4783 (cell)
ahughes@flcities.com

- ▶ Finance & Taxation
- ▶ Personnel/Retirement/Pension
- ▶ Revenues & Budgeting
- ▶ Telecommunications



DAVID CRUZ
Legislative Counsel
305.322.3643 (cell)
dcruz@flcities.com

- ▶ Property Rights
- ▶ Land Use/Growth Management
- ▶ Community Redevelopment
- ▶ Insurance



2022

Florida League of Cities

LEGISLATIVE ACTION AGENDA



PRIORITIES

- **Short-Term Rentals**
- **Communications Services Tax Reform**
- **Tree Protection**
- **Transportation Funding**
- **Economic Development Incentives**

IMPORTANCE OF HOME RULE

The Florida League of Cities believes in the importance of local self-government and that those officials closest to the people know their community best. Each of these issues supports Home Rule and a municipality's ability to govern itself based on the wants and needs of its residents. An overwhelming majority of Florida residents supports Home Rule. It is the foundation for local governments to create fair, effective and responsive policies for their communities.

PRIORITY STATEMENTS

Short-Term Rentals: The Florida League of Cities SUPPORTS legislation that restores authority to local governments for the regulation of short-term rental properties as necessary for quality of life, public safety and a fair lodging marketplace. The Florida League of Cities SUPPORTS legislation clarifying that existing, grandfathered municipal short-term rental ordinances can be amended without penalty. The Florida League of Cities OPPOSES legislation that preempts municipal authority as it relates to the regulation of short-term rental properties.

Contact: Tara Taggart •
ttaggart@flcities.com

Communications Services Tax Reform: The Florida League of Cities SUPPORTS reforming the Communications Services Tax in a manner that is revenue neutral; provides for a broad and equitable tax base; provides for enhanced stability and reliability of an important revenue source

for municipalities; and provides for a uniform taxing method. Reform should promote a competitively neutral tax policy that will free consumers to choose a provider based on tax-neutral considerations.

Contact: Amber Hughes •
ahughes@flcities.com

Tree Protection: The Florida League of Cities SUPPORTS legislation to close loopholes and create standards in current law exemptions from municipal tree ordinances that have caused litigation and abuses, including the clear-cutting of land pre-development and the removal of healthy trees that present little, if any, risk to persons or structures. Current law should be amended to apply only to developed single-family residential property, identify industry-appropriate standards for assessing tree risk and identify necessary documentation.

Contact: Rebecca O'Hara •
rohara@flcities.com

Transportation Funding: The Florida League of Cities SUPPORTS legislation:

- Directing the Florida Department of Transportation to establish a grant program to provide financial assistance for the installation of publicly available electric vehicle charging infrastructure on public or private property
- Providing technical assistance for the development and adoption of local or regional plans for charging infrastructure and associated equipment

- Identifying additional transportation revenue to support innovative infrastructure and transit projects to meet the surging transportation demands driven by dramatic growth throughout Florida.

Contact: Jeff Branch •
jbranch@flcities.com

Economic Development Incentives: The Florida League of Cities SUPPORTS legislation and policies that encourage coordination among Enterprise Florida, the

Department of Economic Opportunity, other state agencies and cities to promote local economic development by providing increased funding, technical assistance and increased collaboration between the state and cities on offering incentives that maximize economic development opportunities for retention, expansion, and attraction, and building sustainable economic resiliency.

Contact: David Cruz •
dcruz@flcities.com

OTHER ISSUES OF IMPORTANCE

Local Business Tax Preservation:

The Florida League of Cities SUPPORTS legislation that preserves general revenues collected from the local business tax. These revenues are used to fund essential municipal services such as public safety, and constructing and maintaining roads and bridges, public parks and open spaces. Maintaining a diversified revenue base also strengthens the fiscal stability of municipalities and improves their respective ability to serve citizens and businesses.

Annexation: The Florida League of Cities SUPPORTS legislation that facilitates the municipal annexation of unincorporated areas while protecting private property rights and respecting municipal boundaries.

Cybersecurity: The Florida League of Cities SUPPORTS legislation dedicating state resources for the development and enhancement of municipal cybersecurity by providing funding for technical assistance, threat assessments, employee training, infrastructure improvements and data protection, including the protection of exempt and confidential information such as law enforcement personnel information and security plans for government buildings and other key critical infrastructure.

Affordable Housing: The Florida League of Cities SUPPORTS legislation that requires all money from the Sadowski State and Local Housing Trust Fund be used only for Florida's affordable housing programs targeted to meet the needs

of workforce housing, including low income, very low income and disabled persons, for both home ownership and rental unit availability.

Per- and Polyfluoroalkyl

Substances (PFAS): The Florida League of Cities SUPPORTS legislative action to address growing concerns about PFAS in soil and water, including coordinating with the Environmental Protection Agency to establish science-based cleanup target levels, providing resources for testing and research, public education and risk assessment guidelines, establishing liability protection for entities that have legally used PFAS for fire suppression or have passively received PFAS, and developing cost-effective and risk-based corrective strategies for PFAS.

2021-22 OFFICERS



President
PHILLIP WALKER
Commissioner
Lakeland



First Vice President
JOLIEN CARABALLO
Vice Mayor
Port St. Lucie



Second Vice President
GREG ROSS
Mayor
Cooper City



For more information on the League's legislative initiatives, please contact:

Florida League of Cities
P.O. Box 1757
Tallahassee, FL 32302-1757
850.222.9684
flcities.com



**INDIAN ROCKS BEACH
CODE ENFORCEMENT REPORT**

Attachment # 18

CODE ENFORCEMENT REPORT SHORT TERM RENTALS

JANUARY1, 2022 – OCTOBER 31, 2022

Complaints Received from Public (Not including PSCO complaints)

Noise	Seven (7)
Vehicles/Parking	Three (3)
Trash	Two (2)

Violation Letters YTD

Solid Waste	Thirty-Two (32)
No License or incomplete	Twenty-One (21)

Fines & Notice to Appear

Solid Waste	Twenty-Two (22)
No License or incomplete	Eleven (11)
FEMA Violation	One (1)

Code Compliant Site Inspections for October 2022

Site Inspections	Twelve (12)
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Code Enforcement and Solid Waste

During the reporting period Code Enforcement worked with Solid Waste to address short term rental locations that had solid waste issues. As a result, fifty (50) short term rentals have been required to secure more waste containers and now are charged rates higher than the typical residential rate.

AGENDA ITEM NO. 2
ADJOURNMENT.