

**SPECIAL MEETING
BOARD OF COMMISSIONERS
TOWN OF REDINGTON SHORES
WEDNESDAY, DECEMBER 28, 2022 – 6:00 P.M.
AGENDA**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPEARANCES AND PRESENTATIONS

None

OLD BUSINESS

1. 1st Reading Ordinance No. 2022-11; Amending Vacation Rentals

NEW BUSINESS

None

MISCELLANEOUS

Special Meeting – Tuesday, January 3, 2023 - 6:00 p.m.

Regular Meeting – Wednesday, January 11, 2023 – 6:00 p.m.

ADJOURNMENT

“Persons are advised that, if they decide to appeal any decisions made at this meeting, they will need a record of the proceedings, and, for such purpose, they 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.”

“The Town maintains a tape recorder for all public hearings. In the event that you wish to appeal a decision, the tape may or may not adequately ensure a verbatim record of the proceedings. Therefore, you may wish to provide a court reporter at your expense.”

ORDINANCE NO. 2022-11

AN ORDINANCE OF THE TOWN OF REDINGTON SHORES, FLORIDA, AMENDING § 90-116 OF THE TOWN CODE TO REPEAL VIOLATION DISCLOSURE REQUIREMENT; MAKING RELATED FINDINGS; PROVIDING FOR CODIFICATION, SEVERABILITY, AND FOR AN EFFECTIVE DATE.

WHEREAS, on August 12th 2020, the Town Commission of the Town of Redington Shores adopted Ordinance 20-06, which created § 90-116, a comprehensive set of regulations related to the operation of short-term “vacation” rentals within the Town; and

WHEREAS, the ordinance language, which had been developed by the Town’s attorney at the time, included what became codified as subsection 90-116 D(2)(b), which requires the party responsible for the vacation rental’s operation to promptly report to the Town any violation of the standards set forth in § 90-116 which the responsible party knows, or with the exercise of reasonable diligence and oversight of the property should know, has occurred or is occurring; and

WHEREAS, in 2022, § 90-116 was challenged in a lawsuit contending it was preempted by Florida law and that subsections 90-116 D(2)(a) (requiring responsible parties to provide notice of the Town’s rules to rental customers) and D(2)(b) violated the Florida Constitution’s speech clause; and

WHEREAS, while the courts ruled § 90-116 was not preempted by state law, and that subsections 90-116 D(2)(a) was constitutional, the appeals court remanded the speech question as to subsection 90-116 D(2)(b) for additional consideration by the trial court under a different standard of legal review; and

WHEREAS, the Commission has considered the current language in subsection 90-116 D(2)(b) and has determined that it is not a critical component of the overall vacation rental regulations contained in § 90-116; and

WHEREAS, the Commission also finds that the disclosure requirement set forth in subsection 90-116 D(2)(b) would not likely be easy to enforce in actual practice given the need to attribute knowledge to the responsible party; and

WHEREAS, the Town’s primary interest in the litigation was ensuring that the courts upheld the Town’s right to maintain § 90-116 as against the preemption challenge; and

WHEREAS, the Commission does not believe it is in the Town’s best interests to expend further resources on additional litigation over the academic question of whether subsection 90-116 D(2)(b) is consistent with the Florida Constitution’s speech clause; and

WHEREAS, removal of subsection 90-116 D(2)(b)’s disclosure requirement will not undermine the effectiveness of the Town’s vacation rental regulation scheme; and

WHEREAS, the Commission confirms that its removal of subsection 90-116 D(2)(b)'s disclosure requirement is a permanent policy revision, and the Commission has no intention of subsequent revival of the provision in the future; and

WHEREAS, it is in the best interest of the Town, its residents, and property owners, to approve the provisions set forth in this Ordinance.

NOW, THEREFORE BE IT ORDAINED by the Board of Commissioners of the Town of Redington Shores, Florida, that:

Section 1. Subsection 90-116 D(2) of the Redington Shores Town Code is hereby amended as follows:

- (2) Duties of responsible party. For each vacation rental, the responsible party shall:
 - (a) Provide written notice to transient occupants, prior to occupancy of the vacation rental, of the town's vacation rental standards set forth in this section, as well as the town's current regulations concerning noise, public nuisance, vehicle parking, solid waste collection, pet dogs on the beach, and condominium common area usage. This information, which is compiled and updated by the town and maintained on the vacation rental standards page of the town's website, shall also be made available to each transient occupant inside the subject property;
 - ~~(b) Ensure compliance with all provisions of this section, including the vacation rental standards set forth herein and the town's regulations concerning noise, public nuisance, vehicle parking, solid waste collection, pet dogs on the beach, and condominium common area usage, and promptly address and report any violations of these standards which the responsible party knows, or with the exercise of reasonable diligence and oversight of the property should know, has occurred or is occurring. Such violations may be reported to the county's sheriff's office or, if during regular town hall hours, the town clerk's office;~~
 - (e)(b) Ensure that any violations regarding the rental of the property, including violations of regulations concerning noise, public nuisance, vehicle parking, solid waste collection, pet dogs on the beach, and condominium common area usage, are able to be promptly addressed and resolved 24 hours a day/seven days per week; and
 - ~~(d)(c)~~ (c) Maintain a register with names and dates of stay of all guests, including, but not limited to, all transient occupants and their invitees.

Section 2. For purposes of codification of any existing section of the Redington Shores Code herein amended, words **underlined** represent additions to original text, words **~~stricken~~** are deletions from the original text, and words neither underlined nor stricken remain unchanged.

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

Section 4. The Codifier shall codify the substantive amendments to the Redington Shores Code contained in Section 1 of this Ordinance as provided for therein, and shall not codify the exordial clauses nor any other sections not designated for codification.

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

ADOPTED ON FIRST READING on the 28th day of December, 2022, by the Board of Commissioners of the Town of Redington Shores, Florida.

ADOPTED ON SECOND AND FINAL READING on the 11th day of January, 2023, by the Board of Commissioners of the Town of Redington Shores, Florida.

Attest:

MaryBeth Henderson, Mayor Commissioner

Tracy Campbell, Town Clerk