



Meeting Agenda
Thursday, April 17, 2025

7:00 PM

REGULAR MEETING

Cocoa Beach City Hall
2 South Orlando Avenue.
Cocoa Beach, 32931

WELCOME

Meeting re-broadcasts on: Spectrum - Channel 499 and www.cityofcocoabeach.com.
Meeting Video Archives: www.cityofcocoabeach.com

Packets: Packets are on the City's website (www.cityofcocoabeach.com) and at Commission meetings

Rules of Order: Robert's Rules of Order and the Florida Sunshine Law govern the conduct of our meeting

Speaking Courtesy Rules:

- The Commission accepts relevant comments.
- A time limit of three minutes is imposed on each speaker. If speaking for a group, the Commission may grant an additional three minutes
- Please direct comments and questions through the Mayor
- Complete speaker cards are required for each of the items you wish to address. Submit the card to the City Clerk prior to the introduction of the item. Speaker Cards are available in the rear of the Commission Room and in the City Clerk's office prior to the meeting. The purpose of the card is to obtain the spelling of your name, contact information if follow-up is needed, and provide for efficient meeting administration
- Upon being recognized by the Mayor, please approach the dais, state your name and address, and speak into the microphone

Approval Of Order Of Business:

Note: Members of the public, Commission and Staff may remove items from the Consent Agendas, if they wish to discuss them. Requests for removal need to be made known to the City Commission under the Approval of the Order of Business, at the beginning of the meeting

Appealing a Decision:

Any person desiring to appeal any decision made by the City Commission, with respect to any matter considered at such meeting or hearing, will need a record of the proceedings and for such purposes must ensure that a verbatim record and transcript of the proceeding is made in a form acceptable for official court proceedings, which record includes the testimony and evidence upon which the appeal is to be based. It shall be the responsibility of the person desiring to appeal any decision to prepare a verbatim record and transcript at his/her own expense as the City does not provide one

American with Disabilities Act:

ATTN: PERSONS WITH DISABILITIES. In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons needing special accommodations to participate in this proceeding shall, at least forty-eight (48) hours prior to the meeting, contact the Office of the City Clerk at (321) 868-3286; Florida Relay Service (800) 955-8771 (TDD); or (800) 955-8770 (Voice) or 711.

THANK YOU for participating in your Cocoa Beach City Government.

A. MEETING CALLED TO ORDER

1. Pledge of Allegiance
2. Invocation by Pastor Keith, Club Zion
3. Roll Call

B. APPROVAL OF THE AGENDA

(Note: Members of the public, Commission and Staff may remove items from the Consent Agendas if they wish to discuss them. Requests for removal need to be made known to the City Commission under the Approval of the Order of Business, at the beginning of the meeting.)

C. PUBLIC COMMENTS

Comments will be heard on items that do not appear on the agenda of this meeting. Citizens will limit their comments to three (3) minutes. Per Commission Procedures, the City Commission will not take any action or discuss items brought up under the "Public Comment" section of the agenda. The City Commission may schedule such items as regular agenda items and act upon them in the future.

D. STAFF REPORTS AND ANNOUNCEMENTS

E. CITY ATTORNEY REPORTS AND ANNOUNCEMENTS

F. CITY COMMISSION REPORTS AND ANNOUNCEMENTS

G. CONSENT AGENDA

1. Approve the 04/03/2025, Commission Meeting Minutes
Staff Representative: City Clerk Department

2. Approval to award continuing services contracts to the following firms in response to RFQ CB25-003 Continuing Engineering & Architectural Services

1. - Bentley Group
2. - Applied Ecology
3. - BEA Architects
4. - Peacock Architects
5. - WSB, LLC
6. - Innovation Design Consulting
7. - Florida Technical Consultants
8. - Quetica
9. - Mel D Studio Architecture
10. - Construction Engineering Group
11. - Dredging Marine Consultants
12. - Plus LLC.
13. - Tsark Architecture
14. - Architects Design Collaborative
15. - DAG Architects

Staff Representative: Scott Maxim, Project Manager
Recommendation: Approve

3. Adopt Resolution No. 2025-06 to execute amendment #01 to the current Interlocal Agreement between FDOT and the City of Cocoa Beach for Construction, Operation, and Maintenance of Bicentennial Park. This amendment provides specific provisions for construction of the improvements currently in progress and specifies the City's obligation to maintain and operate any additional features constructed on the property. Adoption of this resolution and execution of the amendment are requirements of FDOT.

Staff Representative: Scott Maxim, Project Manager
Recommendation: Approve

4. Approve the purchase of a replacement pump for sewer lift station #1 in the amount of \$64,560. This is a budgeted capital item. The purchase also includes a pump stand kit and 8" x 12" elbow fitting.

Staff Representative: Brad Kalsow, Water Rec/Public Works Director
Recommendation: Approve

5. Enter into a Memorandum of Understanding between the City of Rockledge and City of Cocoa Beach for the formation of a joint emergency response team. --ADDED 4/17/25

Staff Representative: Wes Mullins, Police Chief
Recommendation: Approve

H. ITEMS REMOVED FROM THE CONSENT AGENDA

I. UNFINISHED BUSINESS

1. Adopt Ordinance 1696 on Second Reading, AN ORDINANCE OF THE CITY OF COCOA BEACH, FLORIDA, AMENDING Section 2-62, "Self-storage facility", of Article VII, "Conditional uses and standards for operations in all zoning districts", of chapter 2, "Zoning Districts" of the Land development code of the City of Cocoa Beach; providing additional criteria for the approval of a special exception for a self-storage facility; and providing for CONFLICTS, codification, SEVERABILITY, AND AN EFFECTIVE DATE.
Staff Representative: Cory Hall, Planner II
Recommendation: Approve

2. Adopt Ordinance No. 1697 on second reading. ORDINANCE NO. 1697 AN ORDINANCE OF THE CITY OF COCOA BEACH, FLORIDA, AMENDING chapter 26.5, "Vacation rentals", of the Code of Ordinances of the City of Cocoa Beach; providing for miscellaneous changes to findings of fact and definitions; providing for updating grandfathering provisions; providing for additional and/or revised methods of enforcement, registration and penalties for violations of vacation rental regulations; providing for violations of chapter; providing for temporary suspension of certificate of registration; providing for exemption for pre-existing rental agreements; and providing for CONFLICTS, codification, SEVERABILITY, AND AN EFFECTIVE DATE.
Staff Representative: City Commission
Recommendation: Adopt

3. ADOPT RESOLUTION NO. 2025-07
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCOA BEACH, FLORIDA; Providing Legislative Findings; AMENDING RESOLUTION NO. 2025-01 By Changing Vacation Rental Fees And Fines From Those Set Forth In That Resolution; Setting Forth Estimated Costs To Regulate Vacation Rentals And A Formula To Use To Determine The Registration Fee For Vacation Rentals Based On Maximum Allowed Occupancy And Computation Based On Maximum Number Of Guests Allowed In The Vacation Rental; And Providing For Severability And An Effective Date.
Staff Representative: City Commission
Recommendation: Adopt

J. NEW BUSINESS

1. Requesting the Commission to provide a path forward for staff regarding hiring for the City Manager position. Potential costs incurred for filling this position is unbudgeted for FY 2025.
Effective August 31, 2025, City Manager, Wayne Carragino, will be retiring from the City of Cocoa Beach after 17 years of service.
Staff Representative: Cindy Depina, Human Resources Director; Karin Grooms, City Clerk/Assistant City Manager
Recommendation: Provide direction to move forward

2. Request for parking spaces at the Beach Island Resort Lessees Association Inc.

Daytime parking permits for guests that stay at the Resort for the 11th street parking area just down from the resort, next to Mar Bleu condominium.

Requester: Penelope E. Cossich

Recommendation: Discuss

K. GENERAL PUBLIC COMMENT

(Only if not accommodated in the 30-minute Public Comment period earlier)

L. ADJOURNMENT

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A. MEETING CALLED TO ORDER

1. Pledge of Allegiance
2. Mark Reynolds, Pastor, First United Methodist Church
3. Roll Call

Commission Members Present:

City Commissioner - Mayor Keith Capizzi
City Commissioner - Joshua Jackson
City Commissioner - Vice-Mayor Skip Williams
City Commissioner - Jeremy Hutcherson
City Commissioner - Tim Tumulty

Administrative Members Present:

City Attorney - Becky Vose
City Clerk - Karin Grooms
Deputy Development Services Director - Brian Palmer
Development Services - Dave Dickey
Deputy Finance Director - Devan Taly
Project Manager - Scott Maxim
Public Works Director - Brad Kalsow
Planner II - Cory Hall
Police Chief - Wes Mullins
Leisure Services Director - Andrea Segarra
IT Director - Kevin Perez

B. APPROVAL OF THE AGENDA

(Note: Members of the public, Commission and Staff may remove items from the Consent Agendas if they wish to discuss them. Requests for removal need to be made known to the City Commission under the Approval of the Order of Business, at the beginning of the meeting.)

MOTION BY WILLIAMS/HUTCHERSON

I MOVE TO PULL ITEM H. 3 FROM THE CONSENT AGENDA

VOICE VOTE ON THE MOTION CARRIED UNANIMOUSLY

C. PUBLIC COMMENTS

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schedule such items as regular agenda items and act upon them in the future.

Mr. Jay Hood presented a potential project at Venetian Way North.

Matthew Beasley mentioned his ties with Jesse introduced himself and his team asked for the city to work with Jesse Wright.

Mr. Jesse Wright presented his project to the commission. He Was unsure if the city owns the 15 acres but is looking to find out. And wants to work with the city to help develop the area.

Mr. Keith Capizzi, Mayor, mentioned past access to the land.

Mr. Skip Williams, Vice Mayor, stated that the city needs to get permission from residents for a project at the location and added that there were multiple hurdles from the county, and could potentially put the area on sale. Vice Mayor Williams described the bidding process that the city goes through and that they are a long way away from putting the property up for sale and doesn't think it will move forward.

Ms. Becky Vose, City Attorney stated that it was acquired from the school board. And stated that there are restrictions on the property

Mayor Capizzi stated his interest seeing what could possibly be done.

Ms. Vose was authorized to do a title search.

Vice Mayor Williams stated that in the deed it is stated that it would have to be recreational.

Ms. Penny Cossich requested additional parking for her property, stated that it has become an issue with her residents.

Mayor Capizzi inquired about the passes and asked for additional information.

Ms. Cossich stated that her building had been around before the paid parking began. Ms. Tammy Liggett supported Ms. Cossich.

Mr. Ronny haddock inquired about the 3-foot diving board. Mr. Mark Grainger discussed what happened with the previous meeting with Mr. Oshri Gal.

Mr. Burton Catledge mentioned the property previously spoken about in an earlier presentation. Stated he doesn't want to see it develop and added that it is a community area and that it hasn't been an issue. Asked if it is owned by the city Mayor Capizzi asked Ms. Vose about the sign, who stated that she doesn't know why the sign is there, but the city can prohibit people from entering an area.

Vice Mayor Williams asked if people's backyards attached to the property, there was a gate in the past. Stated the gate wasn't locked sometimes and would cause issues stated that there could be liabilities with the equipment in the area. Stated that it needs to get looked into further. Mayor Capizzi reiterated that it is the city's property.

Ms. Janice Scott made comments about the Brightwaters property.

D. STAFF REPORTS AND ANNOUNCEMENTS

Ms. Karin Grooms, City Clerk/Assistant City Manager, mentioned updates from FDOT regarding the speed limit signs and the removal of both speed bumps.

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E. CITY ATTORNEY REPORTS AND ANNOUNCEMENTS

F. CITY COMMISSION REPORTS AND ANNOUNCEMENTS

Commissioner Tumulty stated the room is going to be used for prom for tomorrow evening.

Mentioned the public comments and how they should work.

G. COMMUNITY REDEVELOPMENT AGENCY (CRA)

Commission convened as the Cocoa Beach Downtown Community Redevelopment Agency for the following item:

Request to approve Commercial Visual Improvement Program Grant for Dirty Birds Tiki Bar Grill, LLC; located at 142 Minutemen Causeway, Cocoa Beach, Florida 32931; in the amount of \$50,000.

This is a budgeted item.

Staff Representative: Devan Taly, Deputy Finance Director

Recommendation: Approve

MOTION BY WILLIAMS/TUMULTY

I MOVE TO APPROVE THE COMMERCIAL VISUAL IMPROVEMENT GRANT FOR DIRTY BIRDS TIKI BARR & GRILL LLC.

VOICE VOTE ON THE MOTION CARRIED UNANIMOUSLY

Mr. Orson stated he did some research on the property and mentioned various closings on the property and stated his concerns about a long closure and is in support of the project.

Mr. Oshri Gal read an email he sent to the commission earlier in the week regarding the Dirty Birds property and his displeasure with the handling of the property. He stated that he is pursuing legal action.

Vice Mayor Williams stated that the lawsuit is against the city for the handling of the grant. What's before the council is if they approve the grant to the property.

Commission reconvened for the remaining items.

H. CONSENT AGENDA

- a. Approve the following minutes: February 20th, March 6th, and March 20th Commission Meeting Minutes

Staff Representative: City Clerk Department

Recommendation: Approve

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- b. Approve the purchase of a replacement pump for sewer lift station #5 in the amount of \$61,167. This is a budgeted capital item.

Staff Representative: Brad Kalsow, Water Rec/Public Works Director

Recommendation: Approve

- c. Approve Brevard County Ocean Rescue MOU's - Cocoa Beach Pier, Shepard Park, Fischer Park for FY 26.

Staff Representative: Wayne Carragino, City Manager

Recommendation: Approve

I. ITEMS REMOVED FROM THE CONSENT AGENDA

Approve Brevard County Ocean Rescue MOU's - Cocoa Beach Pier, Shepard Park, Fischer Park for FY 26.

Staff Representative: Wayne Carragino, City Manager

Recommendation: Approve

MOTION BY WILLIAMS/HUTCHERSON

I MOVE TO APPROVE THE BREVARD COUNTY RESCUE MOUs

VOICE VOTE ON THE MOTION CARRIED UNANIMOUSLY

Ms. Grooms stated that the agreement was not budgeted, and the lifeguard captain stated they can pay in FY 26' and the city would be back paying for last year, this year and next at roughly at \$86,000 equating to around \$260,000 Mayor Capizzi stated he is okay with the \$86,000 in the non-budgeted item

Commissioner Jackson inquired if the finance director will separate payments for each year. Ms. Scott shared her concerns about a lobbyist that was hired.

J. UNFINISHED BUSINESS

1. Adopt Ordinance No. 1697 on first reading. ORDINANCE NO. 1697 AN ORDINANCE OF THE CITY OF COCOA BEACH, FLORIDA, AMENDING chapter 26.5, "Vacation rentals", of the Code of Ordinances of the City of Cocoa Beach; providing for miscellaneous changes to findings of fact and definitions; providing for updating grandfathering provisions; providing for additional and/or revised methods of enforcement, registration and penalties for violations of vacation rental regulations; providing for violations of chapter; providing for temporary suspension of certificate of registration; providing for exemption for pre-existing rental agreements; and providing for CONFLICTS, codification, SEVERABILITY, AND AN EFFECTIVE DATE.

Staff Representative: City Commission

Recommendation: Adopt on first reading

MOTION BY WILLIAMS/HUTCHERSON

I MOVE TO ADOPT ORDINANCE 1697 ON THE FIRST READING WITH THE TWO AMENDED CHANGES

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VOICE VOTE ON THE MOTION CARRIED UNANIMOUSLY

Ms. Vose stated that there were two changes in the ordinance at an earlier meeting. Mentioned potential contact information for Vacation rentals in front of the building easily visible and added that the sticker would be an easy way to contact the owners. Commissioner Tumulty inquired about the registration date. Mayor Capizzi asked Ms. Vose about violations in the ordinance who stated that she made changes for bad actors not the good ones. Mayor Capizzi reiterated that the fines are for bad actors.

Ms. Ashley Funderburke-Swingle mentioned the changes in the ordinance. Stated that the facts don't support issues for commercial areas. Stated she made multiple attempts to contact the city about this issue. Inquired about why it makes sense to extend the ordinance into the commercial zone.

Ms. Vose stated that there are only 11 or 12 vacation rentals in the gateway area. Commissioner Jackson inquired about making another amendment. Commissioner Tumulty stated that we do have mixed use and there are health risks. Ms. Vose stated they still have to have BTRs. Mayor Capizzi inquired about the fines in the ordinance. Commissioner Hutcherson inquired about the ordinance if the two zones would be added. Ms. Vose stated that it should come back as a 2nd first reading. Vice Mayor Williams mentioned the STRs in those 2 zones and that there are issues not being addressed and added that the removal would cause a free for all. Ms. Vose stated that there are noise ordinances. Mayor Capizzi retracted his 2nd to the motion. Commissioner Hutcherson brought up an alternative that a fee schedule could lessen the issue. Ms. Vose stated they are close to coming up with a fee schedule and stated there's a difference in cost with multi and single family strs. Ms. Funderburke-Swingle spoke on changes to the ordinance and on the RS1 and RM1 and stated that findings don't support commercial buildings.

Ms. Tammy Muhs. Mentioned her purchase of a condo at a beach resort. Mentioned her costs and her compliance with the BTRs. Stated RS1 has fixed a lot of maintenance issues and urged the

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commission to consider that making it citywide will hurt some vacation rentals.

Mentioned the condos on the beach that he rents. Followed up with Ms. Liggett's sentiment. Shared his concerns with the cost required to run an STR.

Ms. Susie Ballister spoke on the idea of placing a visible sign in front of the STRs and shared her concerns that it isn't very wise or safe, stating that a property could be robbed. Mentioned her experience owning an STR and the cost of it and how they gave information to the city and to the FD for annual inspection.

2. Adopt Resolution 2025-04: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCOA BEACH, FLORIDA; providing legislative findings; AMENDING RESOLUTION NO. 2025-01 that set vacation rental fees and fines and false advertising fines, by providing for an additional reduced fee time period for the payment of vacation registration fees and late fees; providing that all provisions of resolution No. 2025-01 shall remain effective except as temporarily revised by this resolution; and providing for severability and an effective date and ending date.

Staff Representative: City Commission

Recommendation: Adopt

MOTION BY WILLIAMS/HUTCHERSON

I MOVE TO ADOPT RESOLUTION 2024-04

VOICE VOTE ON THE MOTION CARRIED UNANIMOUSLY

Mayor Capizzi inquired about the potential fee amendments. Ms. Vose stated they'll have an update at the next meeting.

Mr. Alain Chuntraruk stated that the size of units does matter and mentioned his concerns about the fees for different sizes.

Commissioner Tumulty asked if commissioners can have a discussion with Ms. Vose individually. Ms. Vose stated that they can.

K. NEW BUSINESS

1. Thunder on Cocoa Beach is requesting sponsorship from the City of Cocoa Beach for an amount not to exceed \$5,000 per the Code of Ordinance.

Representative: Jenny Pruett

Recommendation: Approve in kind donation

MOTION BY WILLIAMS/TUMULTY

I MOVE TO APPROVE THE IN-KIND DONATION

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FOR THE THUNDER ON COCOA BEACH
VOICE VOTE ON THE MOTION CARRIED UNANIMOUSLY

Ms. Scott objected to the city sponsorship and the date of the boat race due to turtle season. Suggested having the boat race at a different time.

Ms. Jenny Pruett stated that the grant is going to the Freedom Fighter nonprofit organization.

Mayor Capizzi inquired about the in-kind donation.

Ms. Grooms described what an in-kind donation is. Stated the city isn't for the party, just helping to keep it safe.

Mr. Rick Anderson stated his agreement with Ms. Scott.

Mr. Mark Grainger stated that he provides helicopters for the races and is impressed with the staff during the races.

Commissioner Tumulty mentioned his experience with the event and supports it, stating that the in-kind donation is cash. Stated that it's a shell game with money.

Mentioned various events that it is done with. And discussed how the events should be self-sufficient.

Mayor Capizzi stated that it is not budgeted, but we are budgeted for overtime.

Commissioner Hutcherson inquired about the cash and in-kind services.

Commissioner Tumulty stated main street does more than just Friday fest.

2. Adopt Resolution 2025-05: A RESOLUTION OF THE CITY
COMMISSION OF THE CITY OF COCOA BEACH, BREVARD COUNTY,
FLORIDA, providing

for the cooperation of the city and city staff with the Office of Policy and Budget in the Executive Office of the Governor and its Ensuring Government Efficiency Team ("EOG DOGE Team"); providing direction to the city manager; AND PROVIDING AN EFFECTIVE DATE

Staff representative: Jeremy Hutcherson, Commissioner

Recommendation: Adopt

MOTION BY HUTCHERSON/WILLIAMS
I MOVE TO ADOPT RESOLUTION 2025-05
VOICE VOTE ON THE MOTION CARRIED UNANIMOUSLY

Commissioner Hutcherson highlighted that he welcomes tourists, and the services received. Stated he thinks it's a good platform to task the city staff and it is for public safety.

Commissioner Hutcherson stated that the revised version focused on safety. Mayor Capizzi stated he wants to get the wording fixed to help get the funding. Mr. KP Finke shared his concerns with inviting DOGE into the city. Ms. Scott stated that she is for DOGE and welcomes them. Ms. Scott stated that Ms. Pruett runs the 501c3 and that the city

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shouldn't give them money earned with taxes.

Vice Mayor Williams mentioned the previous meeting and the great audit the city had. Doesn't think DOGE will come in and say that we're overspending

Mayor Capizzi inquired if Commissioner Hutcherson wants the city to work with them.

Commissioner Hutcherson stated his interview with news and stated that he wants to use another platform to see potential issues.

Commissioner Jackson stated that he agrees with Commissioner Hutcherson and that the city is already responding to the governor.

Ms. Vose stated that the city did respond and that we did not do what was listed and thought it was going to be used as a lobbying tool.

Stated that state law gets in the way for public safety payments.

Commissioner Tumulty stated that DOGE is endorsed by the governor and president but doesn't think it is used for the proper path. Stated it has nothing to do with developer tax.

Stated that the TDC laws are a problem, and that its verbiage needs to be addressed. Stated using it would be inefficient. Mentioned different ways to address it instead of creating more bureaucracy.

Commissioner Williams stated that they were passing a resolution not an ordinance and that an ordinance is not law. Shared his concerns about the TDC and the wording of the laws.

Mayor Capizzi shared some points about it.

Commissioner Jackson inquired who this resolution would go to and if it will get attention. Stated that our lobbyist has not been directed to use this tool. Mayor Capizzi asked for a head nod to require the lobbyist to bring it to the governor.

1. GENERAL PUBLIC COMMENT
(Only if not accommodated in the 30-minute Public Comment period earlier)
2. ADJOURNMENT

Meeting adjourned at 8:55

X

Karin Grooms
City Clerk/Assistant City Manager

X

Keith Capizzi
Mayor

City of Cocoa Beach City Commission Agenda Item Summary

**DEPARTMENT MAKING
REQUEST/NAME:**

City Manager /
Scott Maxim, Project Manager

MEETING DATE

April 17, 2025

REQUESTED MOTION/ACTION

Approval to award continuing services contracts to the following firms in response to RFQ CB25-003 Continuing Engineering & Architectural Services

1. - Bentley Group
2. - Applied Ecology
3. - BEA Architects
4. - Peacock Architects
5. - WSB, LLC
6. - Innovation Design Consulting
7. - Florida Technical Consultants
8. - Quetica
9. - Mel D Studio Architecture
10. - Construction Engineering Group
11. - Dredging Marine Consultants
12. - Plus LLC.
13. - Tsark Architecture
14. - Architects Design Collaborative
15. - DAG Architects

Staff Representative: Scott Maxim, Project Manager
Recommendation: Approve

IS THIS ITEM BUDGETED (IF APPLICABLE)?

These contracts are for continuing services agreements. There are no specific costs associated with them until the City decides to issue a task order to a specific firm for a specific project.

BACKGROUND:

Continuing services contracts with multiple engineering and architectural firms provides the City with a wide range of professional services to pull from and streamlines the process, saving staff time and allowing us to complete projects much quicker than going out to bid every time.

City of Cocoa Beach City Commission Agenda Item Summary

**DEPARTMENT MAKING
REQUEST/NAME:**

City Manager /
Scott Maxim, Project Manager

MEETING DATE

April 17, 2025

REQUESTED MOTION/ACTION

Adopt Resolution No. 2025-06 to execute amendment #01 to the current Interlocal Agreement between FDOT and the City of Cocoa Beach for Construction, Operation, and Maintenance of Bicentennial Park. This amendment provides specific provisions for construction of the improvements currently in progress and specifies the City's obligation to maintain and operate any additional features constructed on the property. Adoption of this resolution and execution of the amendment are requirements of FDOT.

Staff Representative: Scott Maxim, Project Manager
Recommendation: Approve

IS THIS ITEM BUDGETED (IF APPLICABLE)?

BACKGROUND:

RESOLUTION NO. 2025-06

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCOA BEACH,
BREVARD COUNTY, FLORIDA; AUTHORIZING THE EXECUTION OF
AMENDMENT #1 TO THE EXISTING INTERLOCAL AGREEMENT BETWEEN
FDOT AND THE CITY OF COCOA BEACH FOR CONSTRUCTION, OPERATION,
AND MAINTENANCE OF A WAYSIDE PARK KNOWN AS BICENTENNIAL PARK
ALONG STATE ROAD 520. PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The City and FDOT entered into a certain Interlocal Agreement dated December 6, 2018, that pertains to the construction and continued perpetual maintenance of landscape and landscape features on SR 520 (a wayside park known as Bicentennial Park) in Cocoa Beach, Florida;

WHEREAS, The City is constructing multiple improvements on this wayside park including a re-designed parking lot, a new boat ramp, new docks, and a restroom facility;

WHEREAS, The Florida Department of Transportation is requesting that we adopt a resolution to amend the Interlocal Agreement between FDOT and the City of Cocoa Beach for construction, operation, and maintenance of Bicentennial Park to include the new improvements being constructed;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF COCOA BEACH, FLORIDA, as follows:

SECTION 1. The City Commission authorizes the execution of Amendment #1 to the Interlocal Agreement between the Florida Department of Transportation and The City of Cocoa Beach.

SECTION 2. This Resolution shall take effect immediately upon its adoption.

Upon Motion by Commissioner _____ and Seconded by Commissioner _____, this Resolution is duly adopted at a Regular Meeting of the City Commission of the City of Cocoa Beach, Florida, held on the 17th of April, 2025.

ATTEST:

Ayes: _____
Nays: _____
Absent or Abstaining: _____

Keith Capizzi, Mayor-Commissioner

Karin Grooms, City Clerk

**INTERLOCAL AGREEMENT BETWEEN
THE FLORIDA DEPARTMENT OF TRANSPORTATION AND
THE CITY OF COCOA BEACH FOR CONSTRUCTION, OPERATION,
AND MAINTENANCE OF A WAYSIDE PARK KNOWN AS
BICENTENNIAL PARK ALONG STATE ROAD 520**

AMENDMENT #1

This Amendment, entered this ____ day of _____ 2025, by and between the Florida Department of Transportation (**DEPARTMENT**) and the City of Cocoa Beach (**AGENCY**).

RECITALS

WHEREAS, the **DEPARTMENT** and the **AGENCY** entered into a certain Interlocal Agreement (**AGREEMENT**) dated December 6, 2018, that pertains to the construction and continued perpetual maintenance of landscape and landscape features on SR 520 (a wayside park known as Bicentennial Park) in Cocoa Beach, Florida;

WHEREAS, the **AGENCY** desires to make improvements and maintain the wayside park in the same location;

WHEREAS, both parties agree that the improvements would enhance the aesthetic value to the location and provide a public benefit;

WHEREAS, the **AGREEMENT** requires the **AGENCY** to seek written approval from the **DEPARTMENT** to make such improvements.

NOW THEREFORE, for and in consideration of mutual benefit to flow each to each other, the parties covenant and agree as follows:

PROVISIONS

- 1) The **DEPARTMENT** approves the additional improvements as shown on the Plans (see Exhibit "A"), said Plans being incorporated herein and into the **AGREEMENT**.
- 2) All costs associated with the improvements shown in the Plans, to include, but not limited to design, construction, and maintenance costs, shall be the responsibility of the **AGENCY**.
- 3) No additional work is authorized by this Amendment except for the improvements described in the Plans.

- 4) All work activities shall be in accordance with the latest editions of the FDOT Standard Specifications for Road and Bridge Construction, the FDOT Standard Plans and applicable sections of the **AGREEMENT**.
- 5) Prior to commencing with the work described in the Plans, the **AGENCY** shall provide FDOT Brevard Operations at least 2 business days' notice and as required in the **AGREEMENT**.
- 6) The **AGENCY** shall complete the improvements shown in the Plans within 1 year from the effective date of this Amendment.
- 7) Except as hereby modified, amended, or changed, all of the terms and conditions of the **AGREEMENT** remain in full force and effect, to include, but not limited to, all maintenance obligations set forth in said **AGREEMENT**, which shall apply to all additional features described and referenced herein.

CITY OF COCOA BEACH

By: _____

Printed Name & Title

Attest: _____

Printed Name & Title

Legal Approval: _____

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

By: _____
Ron Meade, P.E., District Maintenance Engineer

Attest: _____
Victor A. LoPiccolo, Maintenance Project Manager

Legal Approval: _____

City of Cocoa Beach City Commission Agenda Item Summary

**DEPARTMENT MAKING
REQUEST/NAME:**

Water Reclamation /
Brad Kalsow, Director of Water Reclamation

MEETING DATE

April 17, 2025

REQUESTED MOTION/ACTION

Approve the purchase of a replacement pump for sewer lift station #1 in the amount of \$64,560. This is a budgeted capital item. The purchase also includes a pump stand kit and 8" x 12" elbow fitting.

Staff Representative: Brad Kalsow, Water Rec/Public Works Director

Recommendation: Approve

IS THIS ITEM BUDGETED (IF APPLICABLE)?

This is a Budgeted Capital item. \$80,000 shown in Utilities account 431-4314-537-64-20 for this purchase.

BACKGROUND:

Lift Station #1 is located at the Water Reclamation Treatment Facility. This is a triplex lift station that receives sewer flow from Minutemen Causeway and finger canal streets. Also receives flow from 2nd Street North to 5th Street South along A1A, Orlando and Brevard. This is the second largest station in the City and serves a critical area of both residential and commercial properties.

This purchase will replace Pump #1. Existing pump is a different brand and model from the other two pumps in this station. We have had unsatisfactory performance with this brand of pump with numerous costly repairs/replacements/loaners to get us by over the past 5-7 years. The other two existing pumps are Flygt pumps and we have had no performance issues or repairs with these. Existing Pump #1 hasn't been operational for 13 months due to its inability to provide reliable pumping flow and having breakdowns.

The pump being requested will be much more reliable for this lift station and my staff.

The piping will have to be modified to accommodate this pump and this purchase includes a T stand and proper inlet elbow to make everything fit correctly.



**Xylem Water Solutions USA Inc. /
Flygt Products**
455 Harvest Time Dr. Sanford, Florida 32771
Phone: 407-880-2900 • Fax: 407-880-2962

To: City of Cocoa Beach
Subject: **Replacement NT 3202 45hp**

Date: March 27, 2025

Quote Number: 2025-APO-0437

We are pleased to offer the following equipment:

- (1) 8" NT 3202/641 Flygt pump 45 H.P., 3/460V, FLS, with 50' motor cable, FLS disabled
- (1) T stand kit for NT 3202
- (1) 8"x12" inlet elbow

Total Price: \$ 64,560.00

Exclusions: WE DO NOT SUPPLY, PIPING, VALVES, GUIDE BARS, PRESSURE GAUGES, DISCONNECTS, JUNCTION BOXES, KELLUMS GRIPS, SURGE PROTECTION EQUIPMENT, SPARE PARTS, LABOR OR ANY OTHER ITEM NOT SPECIFICALLY LISTED ABOVE.

PLEASE MAKE PURCHASE ORDERS OUT TO: XYLEM WATER SOLUTIONS USA, INC.

Validity: THIS QUOTE IS VALID FOR THIRTY (30) DAYS UNLESS LONGER TIME AGREED TO IN WRITING.

Taxes: State, local, and other applicable taxes are not included in this quotation.

Freight Terms: DAP; Jobsite - Full Freight Allowed (per Incoterms 2020)

Shortages: Xylem will not be responsible for apparent shipment shortages or damages incurred in shipment that are not reported within two weeks from delivery to jobsite. Damages should be noted on the receiving slip and the truck driver advised of the damages. Please contact our office as soon as possible to report damages or shortages so that replacement items can be shipped and the appropriate claims made.

Payment Terms: 100% NET 45 DAYS AFTER SHIPMENT DATE.
(Note: Partial billing will be made on partial shipments)

Xylem's payment shall not be dependent upon Purchaser being paid by any third party unless Owner denies payment due to reasons solely attributable to items related to the equipment being provided by FLYGT.

Schedule: Please consult your local Flygt branch for submittals and fabrication lead-times.

Back Charges: Buyer shall not make purchases nor shall Buyer incur any labor that would result in a back charge to Seller without prior written consent of an authorized employee of seller.

Terms & Conditions: *This order is subject to the Standard Terms and Conditions of Sale – Xylem Americas effective on the date the order is accepted which terms are available at <http://www.xylem-inc.com/en-us/Pages/terms-conditions-of-sale.aspx> and incorporated herein by reference and made part of the agreement between the parties.*

We thank you for your interest in our equipment and look forward to being of service to you in the near future.



Xylem Water Solutions USA Inc. /
Flygt Products
455 Harvest Time Dr. Sanford, Florida 32771
Phone: 407-880-2900 • Fax: 407-880-2962

IN THE ABSENCE OF A FORMAL ISSUED PURCHASE ORDER, A SIGNED COPY OF THIS PROPOSAL IS ACCEPTABLE AS A BINDING CONTRACT.

Xylem Water Solutions USA, Inc.

Zachary Jones

Company Name: _____

Address: _____

Accepted By: _____

Print Name: _____

Date: _____

City of Cocoa Beach City Commission Agenda Item Summary

**DEPARTMENT MAKING
REQUEST/NAME:**

Police /
Wes Mullins, Chief of Police

MEETING DATE

April 17, 2025

REQUESTED MOTION/ACTION

Enter into a Memorandum of Understanding between the City of Rockledge and City of Cocoa Beach for the formation of a joint emergency response team. --ADDED 4/17/25

Staff Representative: Wes Mullins, Police Chief

Recommendation: Approve

IS THIS ITEM BUDGETED (IF APPLICABLE)?

n/a

BACKGROUND:

Agreement between the City of Rockledge and the City of Cocoa Beach.

City of Cocoa Beach City Commission Agenda Item Summary

**DEPARTMENT MAKING
REQUEST/NAME:**

Development Services /
Cory Hall, Planner I

MEETING DATE

April 17, 2025

REQUESTED MOTION/ACTION

Adopt Ordinance 1696 on Second Reading, AN ORDINANCE OF THE CITY OF COCOA BEACH, FLORIDA, AMENDING Section 2-62, "Self-storage facility", of Article VII, "Conditional uses and standards for operations in all zoning districts", of chapter 2, "Zoning Districts" of the Land development code of the City of Cocoa Beach; providing additional criteria for the approval of a special exception for a self-storage facility; and providing for CONFLICTS, codification, SEVERABILITY, AND AN EFFECTIVE DATE.
Staff Representative: Cory Hall, Planner II
Recommendation: Approve

IS THIS ITEM BUDGETED (IF APPLICABLE)?

BACKGROUND:

During a recent Commission meeting, Dan Dvork, a downtown property owner, addressed the Commission regarding the need for a text amendment to the City Land Development Code (LDC) to allow for self-storage facilities in the Towncenter Redevelopment District.

To that end, city staff, in conjunction with the City Attorney, have prepared Ordinance 1696 to amend the LDC as follows:

1. Revise Table 2-33 to establish a self-storage facility as a Special Exception in the Towncenter Redevelopment District; and
2. Adds development and operational criteria for any self-storage facility in the City, regardless of what zoning district it is located in.

At its March 3, 2025, meeting, the Planning Board unanimously recommended approval of the proposed ordinance. At the March 20, 2025, meeting, the Commission approved the subject ordinance on first reading.

ORDINANCE NO. 25-1696

AN ORDINANCE OF THE CITY OF COCOA BEACH, FLORIDA, AMENDING SECTION 2-62, "SELF-STORAGE FACILITY", OF ARTICLE VII, "CONDITIONAL USES AND STANDARDS FOR OPERATIONS IN ALL ZONING DISTRICTS", OF CHAPTER 2, "ZONING DISTRICTS" OF THE LAND DEVELOPMENT CODE OF THE CITY OF COCOA BEACH; PROVIDING ADDITIONAL CRITERIA FOR THE APPROVAL OF A SPECIAL EXCEPTION FOR A SELF-STORAGE FACILITY; AND PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Cocoa Beach deems it appropriate to add additional criteria for the approval of a special exception for a self-storage facility; and

WHEREAS, this ordinance is adopted in support of the health, safety and welfare of the residents and businesses of, and the visitors to, the City of Cocoa Beach.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY COCOA BEACH:

SECTION 1. Enactment. Section 2-62, "Self-storage Facility", of Article VII, "Conditional Uses and Standards for Operations in all Zoning Districts; of Chapter 2, "Zoning Districts" of the Land Development Code of the City of Cocoa Beach Code is hereby amended to read as set forth in the attached Exhibit "A" with underlined text added, and ~~stricken~~ text deleted.

SECTION 2. Conflicts. All ordinances, resolutions, official determinations, or parts thereof previously adopted or entered by the City or any of its officials and in conflict with this Ordinance are repealed to the extent inconsistent herewith.

SECTION 3. Codification. The provisions of this Ordinance shall be codified as and become and be made a part of the Land Development Code of the City of Cocoa Beach.

SECTION 4. Severability. If any section, sentence, clause, or other provision of this Ordinance, shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding of invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance, which shall remain in full force and effect.

SECTION 6. Effective Date. This ordinance shall take effect upon adoption.

Adopted by the City Commission on this _____ day of _____, 2025.

CITY OF COCOA BEACH

Keith Capizzi, Mayor-Commissioner

ATTEST:

Karin Grooms, City Clerk

Section 2-62. Self-storage facility.

Within specific zoning districts, a self-storage facility, as defined in section 1-20, may be listed as permitted by special exception. In such cases, approval must be from the board of adjustment. When considering an application for a self-storage facility, the board must consider the special exception criteria listed below, in addition to that criteria listed in section 4-43C.

- A. Self-storage facility must have suitable screening compatible with the architecture of the project. Fences and walls including entry gates shall be constructed of high quality materials and shall be compatible and in harmony with the design and materials of the facilities and site. Decorative metal or wrought iron fences are preferred. Chain-link or similar fences, barbed wire or razor wire fences are prohibited. Fences or walls are not allowed between the main or front building on the site and the street.
- B. On-site parking shall be provided on the basis of one (1) space per five hundred sixty (560) square feet of gross floor area. In the redevelopment districts, parking shall be provided as allowed in Section 3-02 of this Land Development Code (LDC) and as approved by the administrator. A parking plan must be provided by the property owner for review by the city.
- C. Off-street loading shall be as required in Section 3-01 (K) of the LDC and as approved by the administrator.
- ~~D.~~ If motor vehicles or vessels are stored in an individual facility, there shall be no mechanical work performed on the premises.
- ~~E.~~ No single compartment shall have a floor area exceeding one thousand five hundred (1,500) square feet.
- ~~E.~~ Each compartment shall have an exterior independent entrance under exclusive control of the tenant thereof. Entrances to compartments can be from a hallway or common area when the individual compartments are located within a common building designated and approved for self-storage.
- ~~F.~~ Use of compartment shall be limited to storage of personal property.
- ~~G.~~ H. There shall be no outside storage of goods or materials of any type. Storage areas located in the side or rear yards shall be fenced as authorized by section 3-32 of these regulations and the fence shall be constructed to meet the opacity of a solid wall.
 - I. If the storage facility abuts residentially zoned property or existing residential development, the facility loading bays, docks or doors shall not be located on any side abutting the residentially zoned property or residential development.
 - J. Electrical service to the storage units shall be for lighting and climate control only. No electrical outlets are permitted inside individual storage units. Lighting fixtures and switches shall be of secure design that will not allow the tapping of fixtures for other purposes.
 - K. Operational Standards. The following minimum operational standards shall apply to self-storage facilities and tenants of individual storage units:
 - i. Individual storage units shall not be used for activities such as residences, offices, workshops, studios, or hobby or rehearsal areas. Further, storage units shall not be used for manufacturing, fabrication or processing of goods. In addition, storage units shall not be used for commercial activity or places of business of any kind including, but not limited to, retail sales, garage or estate sales, or auctions.
 - ii. Storage of flammable, explosive, perishable or hazardous materials within individual storage units and on site is prohibited.
 - iii. Keeping of animals is prohibited.
 - iv. Storage facilities shall have security access control to buildings and individual storage units and enhanced electronic video surveillance of the property.
 - v. Rental agreements shall provide tenants with written notice of the minimum operational standards set forth in this section and any other conditions imposed by the city.

City of Cocoa Beach City Commission Agenda Item Summary

**DEPARTMENT MAKING
REQUEST/NAME:**

City Commission /
City Commission

MEETING DATE

April 17, 2025

REQUESTED MOTION/ACTION

Adopt Ordinance No. 1697 on second reading. ORDINANCE NO. 1697 AN ORDINANCE OF THE CITY OF COCOA BEACH, FLORIDA, AMENDING chapter 26.5, "Vacation rentals", of the Code of Ordinances of the City of Cocoa Beach; providing for miscellaneous changes to findings of fact and definitions; providing for updating grandfathering provisions; providing for additional and/or revised methods of enforcement, registration and penalties for violations of vacation rental regulations; providing for violations of chapter; providing for temporary suspension of certificate of registration; providing for exemption for pre-existing rental agreements; and providing for CONFLICTS, codification, SEVERABILITY, AND AN EFFECTIVE DATE.

Staff Representative: City Commission

Recommendation: Adopt

IS THIS ITEM BUDGETED (IF APPLICABLE)?

n/a

BACKGROUND:

This ordinance amendment provides for more stringent penalties and consequences for "bad actor" vacation rentals.

ORDINANCE NO. 1697

AN ORDINANCE OF THE CITY OF COCOA BEACH, FLORIDA, AMENDING CHAPTER 26.5, "VACATION RENTALS", OF THE CODE OF ORDINANCES OF THE CITY OF COCOA BEACH; PROVIDING FOR MISCELLANEOUS CHANGES TO FINDINGS OF FACT AND DEFINITIONS; PROVIDING FOR UPDATING GRANDFATHERING PROVISIONS; PROVIDING FOR ADDITIONAL AND/OR REVISED METHODS OF ENFORCEMENT, REGISTRATION AND PENALTIES FOR VIOLATIONS OF VACATION RENTAL REGULATIONS; PROVIDING FOR VIOLATIONS OF CHAPTER; PROVIDING FOR TEMPORARY SUSPENSION OF CERTIFICATE OF REGISTRATION; PROVIDING FOR EXEMPTION FOR PRE-EXISTING RENTAL AGREEMENTS; AND PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Cocoa Beach finds that it is appropriate and needed to make revisions to the existing vacation rental ordinance to provide for different and more stringent penalties for violations of the vacation rental restrictions; and

WHEREAS, this ordinance is adopted in support of the health, safety and welfare of the residents and businesses of, and the visitors to, the City of Cocoa Beach.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY COCOA BEACH:

SECTION 1. Enactment. Chapter 26.5 of the City of Cocoa Beach Code of Ordinances is hereby amended to read as set forth in the attached Exhibit "A" with underlined text added, and ~~stricken~~ text deleted.

SECTION 2. Conflicts. All ordinances, resolutions, official determinations, or parts thereof previously adopted or entered by the City or any of its officials and in conflict with this Ordinance are repealed to the extent inconsistent herewith.

SECTION 3. Codification. The provisions of this Ordinance shall be codified as and become and be made a part of the Code of Ordinances of the City of Cocoa Beach.

SECTION 4. Severability. If any section, sentence, clause, or other provision of this Ordinance, shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding of invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance, which shall remain in full force and effect.

SECTION 6. Effective Date. This ordinance shall take effect upon adoption.

Upon Motion by Commissioner _____ and Seconded by Commissioner _____, this Resolution was duly adopted at a Regular Meeting of the City Commission of the City of Cocoa Beach, Florida, held on the _____ day of _____, 2025.

CITY OF COCOA BEACH

Keith Capizzi, Mayor-Commissioner

ATTEST:

Karin Grooms, City Clerk

Chapter 26.5 VACATION RENTALS

ARTICLE I. IN GENERAL

Sec. 26.5-1. Authority, scope and purpose.

This chapter is enacted under the home rule power of the City of Cocoa Beach in the interest of the health, peace, safety and general welfare.

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

F.S. § 509.242(1)(c), further provides for a subset of transient public lodging establishments, called "vacation rental" which is any unit or group of units in a condominium or cooperative or any individually or collectively owned single-family, two-family, three-family or four-family house or dwelling unit that is also a transient public lodging establishment, but that is not a timeshare project.

It is the intent of this chapter to regulate vacation rentals as defined by Florida Statutes, as well as other transient public lodging establishments which are located anywhere within the city limits of the City of Cocoa Beach, which collectively are referred to herein as "vacation rentals".

In 2011, the Florida Legislature passed House Bill 883, (Chapter 2011-119, Laws of Florida), amending F.S. § 509.032 (7)(b) to provide that "[a] local law, ordinance, or regulation may not restrict the use of vacation rentals, prohibit vacation rentals, or regulate vacation rentals based solely on their classification, use or occupancy. This paragraph does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011."

In 2014, the Florida Legislature passed Senate Bill 356 (Chapter 2014-71, Laws of Florida), amending that same statute to read "[a] local law, ordinance, or regulation may not prohibit vacation rentals, or regulate the duration or frequency of rental of vacation rentals. This paragraph does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011."

The official statement of legislative intent of Senate Bill 356 as reflected in the House of Representatives' Final Bill Analysis, dated June 19, 2014, states that the "Effect of the Bill" is as follows:

"The bill permits local governments to create regulation that distinguishes vacation rentals from other residential property. In the past, local government regulations have included noise, parking, registration, and signage requirements for vacation rentals.

"The bill does not allow local governments to create regulations that would prohibit vacation rentals or restrict the duration or frequency of vacation rentals. These types of regulation remain preempted to the state.

"The grandfather provision in existing law exempting any local law, ordinance, or regulation adopted on or before June 1, 2011, is maintained. Any local law, ordinance, or regulation passed before that date that prohibits or restricts vacation rentals based on the duration or frequency may continue to be enforced."

This Chapter does not prohibit Vacation Rentals, or the duration or frequency of Vacation Rentals, nor is it the intention of the City of Cocoa Beach to do so, but rather this Chapter is intended to address life safety and compatibility concerns in the interests of the health, peace, safety, and general welfare.

Sec. 26.5-2. Findings of facts.

Based on information presented at various city commission meetings by residents of Cocoa Beach and owners and operators of vacation rentals, the practical first-hand experience and observations of city commissioners, common sense deductions of city commissioners based on long term experiences in Cocoa Beach, information learned by city commissioners from various residents, information from the U.S. Census, as well as evidence and testimony presented at public hearings before the city commission, and on the Short-Term Rental Housing Restrictions White Paper, prepared by Robinson & Cole, Attorneys at Law, in 2011, prepared for the National Association of Realtors®, the city commission finds:

- (1) Residents residing within their residential dwellings, (which term herein includes single family residences and well as multifamily residences), are inherently familiar with the local surroundings, local weather disturbances, local hurricane evacuation plans, and means of egress from their residential dwellings, thereby minimizing potential risks to themselves and their families.
- (2) In contrast, transient occupants of vacation rentals, due to their transient nature, are typically not familiar with local surroundings, local weather disturbances, local hurricane evacuation plans, and means of egress from the vacation rentals in which they are staying, thereby increasing potential risks to themselves and their families, and putting an additional burden on, and potentially putting at risk, emergency personnel in the event of an emergency situation.
- (3) Certain vacation rentals are presently located within the city limits of the City of Cocoa Beach.
- (4) Vacation rentals, left unregulated, can create negative impacts within residential neighborhoods, (which term includes single family residential neighborhoods as well as multi-family residential neighborhoods), due to excessive noise, parking and traffic problems, excessive use and impact on public services and public works, extreme size and/or greater occupancy.
- (5) Vacation rentals situated within residential neighborhoods can disturb the quiet nature and atmosphere of the residential neighborhoods, and the quiet enjoyment of its residents.
- (6) Vacation rentals located within established residential neighborhoods can create negative compatibility impacts relating to extreme noise levels, late night activities, on-street parking issues and traffic congestion.
- (7) A residential dwelling is typically the single largest investment a family will make with the residents of the residential dwelling desiring the tranquility and peaceful enjoyment of their neighborhood without excessive noise and increased parking issues and traffic congestion caused by transient occupants of vacation rentals.
- (8) People who live in homesteaded/long-term rental properties generally know their neighbors and if there is an issue regarding noise, neighbors can typically work things out with their neighbors without the involvement of the city. People who live in homesteaded properties or are long-term renters generally have limited parties and noisy get-togethers; whereas people who temporarily are in a neighborhood are typically there on vacation and are much more likely to have parties and loud get-togethers and generally can be the source of much more noise. There is typically much more accountability between neighbors who are homesteaded or long-term renters, as opposed to people who are at a property for a short period of time.
- (9) According to the 2023 U.S. Census estimates, the City of Cocoa Beach has an average household size of 1.9 persons.
- (10) Vacation rentals situated within the city limits can and do create a great disparity in occupancy.
- (11) The majority of registered vacation rentals in the city generally follow the city's regulations. However, a small minority of vacation rentals, the "bad actors" of the local vacation rentals, cause substantial disruption of life for nearby permanent residents of the city by repeatedly violating restrictions as to such vacation rentals. The disruption of normal life in nearby neighborhoods caused by such bad actors

is found by the city commission to be irreparable and irreversible in nature and therefore must be subject to higher fines and subject to temporary suspension of vacation rental registrations as set forth herein.

(12) The cities of Fort Lauderdale and Sarasota have recently adopted vacation rental regulations that provide for the suspension of vacation rental registrations for certain repeat violations of vacation rental ordinances. The city commission of the City of Cocoa Beach finds that it is in the best interest of the residents of and visitors to the city to adopt similar regulations and finds that such regulations are necessary for the public health, peace, safety and welfare of the city, its residents and its visitors.

(13) It is not the intent of this chapter to allow any use in a condominium or cooperative building that is contrary to the applicable restrictions relating to such condominium or cooperative building.

Sec. 26.5-3. Definitions.

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

Bedroom means any room in a vacation rental which has a bed or other place for sleeping and a separate closet that is an integral part of the permanent construction within the bedroom or an ensuite bathroom, and complies with the Florida Fire Code and Florida Life Safety Code as a bedroom, but shall not include a bathroom, a kitchen, a dining room, any main living area, or any exterior area or vessel. If a previously approved bedroom exists as of the effective date of this code, and does not have a separate closet that is an integral part of the permanent construction of the structure, but rather utilizes an armoire or other furniture piece for clothing storage, the requirement for a closet to qualify as a bedroom is waived. If there is more than one (1) living room, such additional living room can count as a bedroom as long as it has emergency egress as required for a bedroom.

Occupant means any person who occupies a vacation rental overnight. The term "occupant" includes the owner, agent, or other person staying overnight at the vacation rental whether or not they are paying for the rental, so long as at least one (1) person at the vacation rental is paying for the rental.

Owner occupied means the vacation rental is then occupied by person(s), at the vacation rental owner's consent, who do not pay rent for the occupancy of the vacation rental, when such persons are members of the family of the vacation rental owner, at a time when there are no person(s) occupying the vacation rental who are paying for such occupancy.

Transient public lodging establishments means any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is rented to guests more than three (3) times in a calendar year for periods of less than thirty (30) days or one (1) calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests.

Vacation rental is collectively a vacation rental as defined under Florida Statutes, and any transient public lodging establishment which is located within the city limits of the City of Cocoa Beach except for condominium units in Cocoa Beach Towers Condominium, 220 Young Ave, which obtained a transient lodging special exception through Resolution 2008-18.

Vacation rental owner is the fee simple owner of the vacation rental, whether an individual, partnership, corporation, limited liability company, trust, or other entity. In the event the vacation rental owner is not an individual, each and every person who owns twenty (20) percent or more of the equitable interest in the vacation rental shall also be deemed a vacation rental owner. The duties and functions of a vacation rental owner may, at the option of the vacation rental owner, be performed by an agent (sometimes referred to herein as "designated responsible party") of the vacation rental owner, so long as the vacation rental owner notifies the city in writing, on a form provided by the city, of the identity and contact information of such agent, and the specific duties that the agent will be performing for the vacation rental owner. The vacation rental owner may change the designation of agent at any time through the filing of a new form and the payment of an administrative fee in an amount as set by resolution by the city commission. At the time of registration or renewal of a vacation rental registration, the vacation rental owner shall be allowed to add up to two (2) additional agents for a vacation rental. Notices as required herein shall be permitted to be served on any one of the agents as designated by the vacation rental owner.

The vacation rental owner shall be held responsible for all actions of such designated agent(s) with respect to the applicable vacation rental.

Sec. 26.5-4. Enforcement.

Violations of this chapter shall be enforced in accordance with the provisions of section 1-8 of this Code of Ordinances, and through fines in accordance with ordinances and resolutions adopted by the city commission and most currently revised, and as otherwise specifically provided in this chapter.

Sec. 26.5-5. Appeals.

Any decision of the city manager or his or her authorized designee relating to this ordinance shall be rendered in writing in appealable form, and reviewed by the city special magistrate if a notice by the vacation rental owner or agent is filed with the city clerk within fourteen (14) calendar days after the action to be reviewed. The city clerk shall place the matter on the agenda of the next available meeting of the special magistrate, but no later than thirty-five (35) days after the notice by the vacation rental owner or agent is filed if possible, given the special magistrate's schedule, at which the matter will be reviewed. The decision of the special magistrate shall be final and shall be rendered in writing in appealable form. Such final decision may be reviewed as permitted under Florida law. Appeals of citations issued under this chapter shall be to the special magistrate, which appeal must be filed with the city clerk within fourteen (14) calendar days after the issuance of the citation.

Sec. 26.5-6. Construction of chapter.

This chapter shall be liberally construed to accomplish its purpose of regulating vacation rentals, protecting the residential character of the City of Cocoa Beach, the health, safety, and general welfare of its residents and visitors, and the quiet enjoyment by Cocoa Beach's residents of their residential property.

Sec. 26.5-7. Severability.

In the event that any word(s), phrase(s), portion(s), sub-sub-section(s), sub-section(s), or section(s) of this chapter, is contrary to law, or against public policy, or shall for any reason whatsoever held to be invalid, illegal or unconstitutional, by any court of competent jurisdiction, such word(s), phrase(s), portion(s), sub-sub-section(s), sub-section(s), or section(s) of this chapter shall be null and void, and shall be deemed severed, and a separate, distinct, and independent provision from the remaining provisions of this chapter, and such holding shall in no manner affect the validity of the remaining words, phrases, portions, sub-sub-sections, sub-sections, or sections of this chapter, which shall remain in full force and effect. This chapter shall be construed in a manner to accomplish, to the greatest extent legally possible, the purposes of this chapter as expressed herein.

Secs. 26.5-98 — 26.5-20. Reserved.

ARTICLE II. VACATION RENTAL REGISTRATION

Sec. 26.5-21. Registration required.

Every vacation rental owner, either personally or through an agent, shall register with the City of Cocoa Beach utilizing forms promulgated by the city and/or the city's third-party vendor responsible for such registrations. A separate registration shall be required for each vacation rental. The operation of a vacation rental without registration after the date registration is required shall be a violation of this ordinance, except in the instance of providing accommodations to fulfil a pre-existing contract as provided hereinafter. Every day of such operation without registration shall constitute a separate violation.

Sec. 26.5-22. Vacation rental registration.

- (a) A vacation rental owner or agent, as applicable, registering a vacation rental with the city shall register said vacation rental through the city or the city's third-party vendor, utilizing the online process stipulated by said vendor.
- (b) A registration form shall include the following submittals:
 - (1) A completed vacation rental registration form which shall include, but not be limited to, an email address associated with the vacation rental to which any and all communications, notifications, notices, or service of citations or other violations can be sent relating to the vacation rental. In all instances when a vacation rental owner and the vacation rental agent are different, an email for each of them shall be included on the vacation rental registration form. For all purposes under this chapter, emails sent to the designated email address(es) shall be conclusively presumed to have reached the vacation rental owner and its agent.
 - (2) Payment of applicable fee.
 - (3) A copy of the vacation rental's current and active license as a transient public lodging establishment with the Florida Department of Business and Professional Regulation, ~~if the registrant has such license.~~
 - (4) A copy of the vacation rental's current and active certificate of registration with the Florida Department of Revenue for the purposes of collecting and remitting sales surtaxes, transient rental taxes, and any other taxes required by law to be remitted to the Florida Department of Revenue, ~~if the registrant has such certificate of registration.~~
 - (5) Evidence of the vacation rental's current and active account with the Brevard County Tax Collector for the purposes of collecting and remitting tourist development taxes and any other taxes required by law to be remitted to the Brevard County Tax Collector, ~~if the registrant has such account.~~
 - (6) Exterior site sketch. An exterior sketch of the vacation rental facility shall be provided. The sketch shall show and identify all structures, pools, spas, hot tubs, fencing, and uses, including areas provided for off-street parking. For purposes of the sketch, off-street parking spaces shall be delineated so as to enable a fixed count of the number of spaces provided. At the option of the vacation rental owner, such sketch may be hand drawn, and need not be professionally prepared. If the vacation rental is located in a condominium or cooperative building, the exterior site sketch shall only be required to show and identify parking for the specific vacation rental. Such sketch shall be accompanied by documentation that such parking is approved to be used for such vacation rental by the condominium or cooperative documents or otherwise by the condominium or cooperative association.
 - (7) Interior building sketch by floor. A building sketch by floor shall be provided, showing a floor layout identifying all bedrooms, other rooms, exits, hallways, stairways, closets, as applicable. At the option of the vacation rental owner, such sketch may be hand drawn, and need not be professionally prepared.
 - (8) Identity of non-paying occupants and vehicles. A statement as to the names of any non-paying occupants who will occupy the vacation rental overnight when there will be one (1) or more paying occupants at the vacation rental, such as vacation rental owner(s) and family, as well as the number of vehicles to be present as a result of the presence of the non-paying occupants.
 - (9) For vacation rentals located in a condominium or cooperative building, documentation proving that vacation rentals are allowed in the condominium or cooperative building.
- (c) If a registration form is incomplete, the registrant will be notified of the deficiency.
- (d) Vacation rental registrations shall not be issued for a unit within a condominiums or cooperative building that otherwise does not permit such vacation rental use.
- (e) No registration shall be allowed unless and until all citations and fines due to the city related to the vacation rental shall have been paid in full.

Sec. 26.5-23. Modification of vacation rental registration.

An amendment of a vacation rental registration shall be required in the event that any of the following changes to the vacation rental are proposed:

- (1) An increase or decrease in the number of bedrooms in the vacation rental.
- (2) An increase in the maximum occupancy of the vacation rental.
- (3) An increase or decrease in the number of parking spaces, or a change in the location of parking spaces for the vacation rental.
- (4) A change in ownership of the vacation rental.
- (5) A change in the identity or vehicle(s) of non-paying occupant(s).
- (6) A change in the email address associated with the vacation rental.

Modification of a vacation rental registration may be subject to additional fees as stipulated in the most recently revised version of the city's fee listing.

Sec. 26.5-24. Duration of vacation rental registration.

A vacation rental registration and/or renewal shall be based upon and valid for one (1) calendar year after the date of registration or renewal.

Sec. 26.5-25. Renewal of vacation rental registration.

A vacation rental owner must renew its registration annually. No renewal shall be allowed unless and until all citations and fines related to the vacation rental shall have been paid in full.

Sec. 26.5-26. Inspection of vacation rentals.

- (a) Inspection of a vacation rental to verify compliance with the Florida Building Code, and the Florida Fire and Life Safety Codes, which governed at the time of completion of the subject construction, shall be required subsequent to the initial registration of the vacation rental, 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 ordinance (April 17, 2025).
- (b) Annual inspections shall 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 in an amount set by resolution of the city commission to cover the inspection expense incurred. 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 twenty (20) days after notification by the city in writing that the city is ready to conduct the annual inspection, shall be a violation of this chapter punishable by a fine as set by resolution by the city commission. Such violation shall continue until the inspection is accomplished. Each day that such violation continues shall be a separate violation.

Sec. 26.5-27. Transfer of vacation rental registration.

Vacation rental registrations are transferable only when the ownership of the vacation rental is sold or otherwise transferred, and the new owner has filed a modification of the registration with the city within thirty (30) days from the date of the sale or transfer. Failing such modification of the registration, any outstanding vacation rental registration as to that vacation rental shall be null and void on the thirty-first day after such sale or transfer.

A change in ownership of the vacation rental will be subject to a new registration fee as stipulated in the most recently revised master fee listing.

Sec. 26.5-28. Vested rights/waiver/estoppel.

A vacation rental registration shall not be construed to establish any vested rights or entitle the registered vacation rental to any rights under the theory of estoppel. A vacation rental registration shall not be construed as a waiver of any other requirements contained within the City of Cocoa Beach City Code or Comprehensive Plan, and is not an approval of any other code requirement outside this chapter. The registration of a vacation rental is not an approval of a use or activity that would otherwise be illegal under Florida law, the Florida Building Code, the Florida Fire Code or Life Safety Code, or in violation of the Cocoa Beach City Code or Comprehensive Plan.

Secs. 26.5-29—26.5-42. Reserved.

Sec. 26.5-43. Duties of vacation rental owner.

Every vacation rental owner or agent, as applicable, shall be available by landline or mobile telephone answered by the vacation rental owner or agent at the listed phone number twenty-four (24) hours a day, seven (7) days a week to respond to police, fire or other emergency personnel requests. Otherwise, response to contact by the city's regulatory personnel shall be required only Monday through Saturday, 9:00 a.m. to 6:00 p.m. Failure of the vacation rental owner or agent, as applicable, to fulfil this duty, shall be a violation of this ordinance which shall be punished by fine as set by resolution of the city commission. Every vacation rental owner or agent, as applicable, shall regularly check the email associated with the vacation rental and shall respond to any email received from the city or the city's third-party provider as required by the email communication, if applicable. Every vacation rental owner or agent shall place on an easily visible location near the front door of the vacation rental a sticker placed either inside the vacation rental facing out or placed outside the vacation rental, supplied by the city stating contact information for the vacation rental owner or agent and other relevant information as determined by the city.

Secs. 26.5-44—26.5-50. Reserved.

ARTICLE III. STANDARDS AND REQUIREMENTS FOR VACATION RENTALS

Sec. 26.5-51. Generally.

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

Sec. 26.5-52. Minimum safety and operational requirements.

Vacation rentals in the City of Cocoa Beach shall meet the applicable standards under the Florida Statutes, Florida Building Code and the Florida Fire Code and Life Safety Code ~~and each vacation rental shall have at least one (1) telephone with the ability to call 911.~~

Sec. 26.5-53. Maximum occupancy based on site capacity/limitations/grandfathering/previous rentals.

- (a) The maximum occupancy of a vacation rental shall be stated in the vacation rental registration form, and shall be limited to the lesser of:
 - (1) Two (2) occupants (as defined herein) per bedroom (as defined herein), plus two (2) occupants.

- (2) A total of eight (8) occupants per vacation rental.
- (b) The maximum occupancy restriction as set forth above shall not apply when the property is owner occupied by the vacation rental owner.
- (c) Notwithstanding the above, a registered vacation rental, that is in a zoning district other than RS-1 of the city, that was used as a vacation rental as of the effective date of the amendment of this ordinance, (April 17, 2025), may apply for grandfathered status to last for a period of ten (10) years, as to occupancy limitations, and may set its maximum occupancy based upon the following criteria and procedures. Vacation rentals that have an occupancy of eight (8) or less as determined according to section 26.5-53 above will not require grandfathering to maintain that occupancy.
- (1) A grandfathered vacation rental shall have its maximum occupancy based upon two (2) occupants (as defined herein) per bedroom (as defined herein), plus two (2) occupants, unless through a previously existing arrangement with the city the occupancy had been capped at a lower number of occupants as of the time of application for grandfather status. A change in the number of bedrooms at the vacation rental shall cause such vacation rental to lose its grandfathered status.
 - (2) The vacation rental owner, or agent, as applicable, ("grandfathering applicant"), shall complete a grandfathering application as prescribed by the city, which shall be submitted under oath and upon penalty of perjury, and provide verifiable written proof of the number of bedrooms as herein defined in the vacation rental.
 - (3) The grandfathering application and supporting proof shall be submitted to the city by email or by hand delivery, if at all, by no later than June 17, 2025, for review by city staff, and such staff shall make a written determination as to the maximum occupancy of such grandfathered vacation rental which determination shall be sent by email to the applicant.
 - (4) If the city staff fails to confirm the requested occupancy level, the city shall notify by email the grandfathering applicant of that fact, and the occupancy level that can be approved, ~~in writing~~. Within twenty ten (2010) days after such notice, an evidentiary hearing may be requested by email by the grandfathering applicant before the city's special magistrate to provide the grandfathering applicant an opportunity to provide evidence and/or testimony in support of the occupancy requested. A determination by the special magistrate after such evidentiary hearing shall be final. If no hearing is requested during that time period, the occupancy level shall be set at the level determined by the city staff upon initial review.
 - (5) If a vacation rental has been registered, but a final determination as to the occupancy level based upon grandfathering has not yet been made, such vacation rental may allow occupancy up to the occupancy requested in the grandfathering application until such time as a final determination as to occupancy has been made.
 - (6) If it is reasonably determined by the city staff that any information supplied to the city in support of an application for grandfathering was intentionally false or fraudulent, the person supplying the false or fraudulent information shall be subject to a fine as set by the city commission by resolution. If there is such a determination by city staff, the city shall notify the grandfathering applicant of that fact, and within ~~ten (10) twenty (20)~~ days after such notice, an evidentiary hearing may be requested by the grandfathering applicant before the special magistrate to provide the grandfathering applicant an opportunity to provide evidence and/or testimony to show that the information supplied in support of the application for grandfathering was not intentionally false or fraudulent. The determination by the special magistrate after such evidentiary hearing shall be final. If no hearing is requested during that time period, the initial determination by the city staff shall be final.
 - (7) If a vacation rental registration does not exist as to a vacation rental for a period in excess of thirteen (13) months, any grandfathering determination shall be deemed abandoned, and shall no longer be applicable to that vacation rental.

- (d) Notwithstanding any other provision of this section, rental agreements with prospective occupants for vacation rentals in the RS-1 zoned area of the city that were entered into before the original enactment of this chapter (March 5, 2020) shall be exempt from the provisions of this chapter as more fully set forth in section 26.5-64. Notwithstanding any other provision of this section, rental agreements with prospective occupants for vacation rentals in all zoning districts of the city other than the RS-1 zoned area of the city that were entered into before the amendment of this chapter (April 17, 2025) shall be exempt from the provisions of this chapter as more fully set forth in section 26.5-64. Notwithstanding any other provision of this section, rental agreements with prospective occupants for vacation rentals that were in compliance with the city's chapter 26.5 as of the date of entering into such rental agreement, (hereinafter "pre-occupancy cap agreements"), are exempt from the restrictions on occupancy enacted in this ordinance. If a vacation rental is cited for a violation of the occupancy cap of eight (8) occupants as provided in this section, (that would not be a violation if it were not for this occupancy cap of eight (8) occupants), when the vacation rental is occupied under the terms of a pre-occupancy cap agreement, the vacation rental owner may defend such violation based on the fact that the vacation rental was exempt from the occupancy cap of eight (8) occupants due to it being occupied pursuant to a pre-occupancy cap agreement. Such defense shall be determined based upon the following information, and upon any additional information supplied by the vacation rental owner or otherwise determined by the fact finder:

- (1) Copy of deposit or payment information evidencing that the agreement was a pre-occupancy cap agreement.
- (2) Copy of e-mail or other communication evidencing a binding pre-occupancy cap agreement.
- (3) Information from the occupant confirming that there was a binding agreement in a time-frame to make the agreement as a pre-occupancy cap agreement under this section.

If it is reasonably determined by the city staff, and confirmed by the city's special magistrate that any information supplied to the city in support of an application for exemption, or in support of a defense based upon pre-occupancy cap agreement, was intentionally false or fraudulent, the person supplying the false or fraudulent information shall be subject to a fine as set by the city commission by resolution and as otherwise provided in this chapter.

Sec. 26.5-54. Vacation rental agreements—minimum provisions.

Vacation rentals shall be rented, leased or occupied pursuant to a written rental agreement which contains, at a minimum, the following information:

- (1) Maximum occupancy of the vacation rental that is consistent with the vacation rental registration.
- (2) The maximum number of vehicles that will be allowed to park at the vacation rental, or, for purposes of a vacation rental located in a multifamily building, the maximum number of vehicles associated with the vacation rental that will be allowed by the condominium or cooperative documents or the condominium or cooperative association to park at such multifamily building. Such number of vehicles shall not exceed the number of parking spaces located at the vacation rental as shown in the sketch submitted with the vacation rental registration, plus any other legal parking spaces that the vacation rental owner can show are available to the vacation rental.
- (3) A statement that a sketch of the permitted off-street parking locations where occupants may park according to the vacation rental registration sketch and any other legal parking spaces available to the vacation rental will be posted at the vacation rental.
- (4) A statement that all occupants must promptly evacuate from the vacation rental upon posting of any evacuation order issued by state or local authorities.
- (5) A copy of a document to be supplied by the city which includes excerpts from City of Cocoa Beach ordinance provisions of general application relevant to vacation rentals to include solid waste pick-up regulations, regulations related to sea turtles and sea turtle lighting, and City of Cocoa Beach Noise

Ordinance, as specified by resolution of the city, as a lease addendum. The city will make available to vacation rental owners and agents a copy of such document in digital format upon request, and the city will post such document on its website.

Sec. 26.5-55. Parking regulations; penalties.

No parking shall cross or block any sidewalk, and no parking shall be permitted on any grassed area, dirt or sand area, or any area covered by stones or shell unless such area is part of an approved parking plan. No vacation rental parking shall be on any lot or parcel other than on the specifically registered vacation rental property or as otherwise shown on the approved parking plan. The maximum collective number of automobiles, trucks, boats, motorcycles, and trailers shall be limited to a total of four (4) to be used for at any vacation rental. Any on-street parking shall not interfere with convenient vehicle access to and through the neighborhood and shall meet the requirements of sections 3-01 and 3-03 of the city's land development code. Violations of this section may be punished through city parking citations in accordance with section 26-30 of this code of ordinances, and vehicles parked in violation of the approved parking plan or which otherwise interfere with convenient vehicle access to and through the neighborhood are subject to being towed at the vehicle owner's expense. In addition, violation of parking regulations shall be subject to the provisions and penalties of Sec.26.5-58 and Sec. 26.5-59. It shall be the duty of the vacation rental owner and agent to ensure that parking at a vacation rental is strictly in accordance with the approved parking plan. Violations consisting of parking for a vacation rental not in compliance with the approved parking plan shall be enforced against the vacation rental owner and the vacation rental agent (if different) as well as the owner of the vehicle violating the approved parking plan. Citations for parking in violation of the approved parking plan shall be issued in multiple copies with one left on the offending vehicle and the other(s) served by email on the vacation rental owner, and, if different, the vacation rental agent.

Sec. 26.5-56. Noise regulations; exceptions.

No person located in or on around a vacation rental property at any time shall create, or cause to be created any noise or sound which is clearly audible within any other residence within the city limits of the City of Cocoa Beach when the residence in which the noise or sound is clearly audible has its windows and doors closed. This shall not include cries for emergency assistance or warning calls, properly functioning HVAC systems, pool pumps, lawn mowers, leaf blowers, or fire alarms or burglar alarms prior to the giving of notice and a reasonable opportunity for the owner or tenant in possession of the vacation rental served by any such alarm to turn off the alarm. The provisions of this section are in addition to other noise regulations generally applicable in the city. When a vacation rental owner or vacation rental tenant is found guilty or is deemed to have been found guilty by payment of a fine for a noise violation of any kind in the city the special magistrate shall have the authority to require that the owner of the vacation rental equip the vacation rental with one or more noise level detection devices approved by the city manager that will alert the property owner/responsible party and transient occupants to noise emanating from the vacation rental and all data produced by this device will be retained for a period of one hundred eighty (180) days and made available to the City upon request. The special magistrate shall not require the vacation rental owner to equip the vacation rental with one or more noise detection devices unless the special magistrate shall have determined, after reviewing one or more sworn statements, hearing relevant testimony and argument, that the noise found to be in violation substantially and negatively affected one or more surrounding neighbors.

Sec. 26.5-57. Noise regulations; penalties.

- (a) Noise violations may be enforced utilizing any legal means, including, but not limited to, citations issued by code officers, police officers, or any other person designated by the city manager, arrest, actions before the special magistrate, suspension of registration, or injunctive relief. Citations issued to renters shall be in amounts as set by resolution of the city commission. The provisions of (b) below shall not be construed to prevent the city from enforcing noise ordinances against vacation rentals under the provisions of Sec. 26.5-58 and/or Sec. 26.5-59.

- (b) If there are 3 noise violations with citations (whether such violations are paid, or if they are challenged and the special magistrate upholds such citation), issued over a rolling period of twelve (12) months, the special magistrate, at the request of the city, may deem the vacation rental property a "noise nuisance property" to be effective for a period of twelve (12) months from the later of the special magistrate order deeming the property a "noise nuisance property" or any citation for a noise violation as to such vacation rental property, and may impose one (1) or more of the following orders:
- (1) Require that whenever in the twelve (12) months following the special magistrate order there is a change of occupancy of the property (i.e. new people staying in the noise nuisance property) the property manager must provide proof to the city that the property manager has visited the property during the first day of the stay of the new tenants (or as soon thereafter as is practicable) and delivered a copy of the city's noise ordinances to the new occupants of the property and explained the seriousness of the violations of such ordinance and the fines and penalties which are applicable. Failure to provide said notice shall constitute operating without registration and the vacation rental owner shall be subject to the applicable fine for operating without a registration.
 - (2) Require that the owner of the noise nuisance property shall be required to impose for all future rentals of the noise nuisance property over the next twelve (12) months, an additional deposit (whether paid, or secured by a credit card) in an amount no less than five hundred dollars (\$500.00), with the condition of the deposit being that it will be forfeited to the city if the renter receives a noise violation during the term of the rental agreement. All such tenants shall be warned, by the owner or property manager, of such additional deposit and what would cause the forfeiture of such deposit prior to a rental agreement being finalized. A prominent notice of the conditions of such deposit and the potential forfeiture of such deposit shall be posted in each and every noise nuisance property. Failure to require the additional deposit shall constitute a violation of city regulations and the owner shall be subject to a penalty in the amount charged for operating without registration. Proof of the additional deposit must be provided to the city by the property manager for each and every rental of the property as long as the property is designated a noise nuisance property.

Sec.26.5-58. Violations of this chapter.

(a) Noncompliance with any provision of this chapter shall constitute a violation of this chapter. In accordance with Sec. 162.22, Fla. Stat., and other relevant law, violations of this chapter may be punished in accordance with the specific provisions of this chapter, and, if deemed appropriate by a code officer, in accordance with other provisions of this code of ordinances. In particular, due to the transitory nature of violations of this chapter, no initial warning notification shall be required before the issuance of a citation for a violation of this chapter. Violations of this chapter shall specifically include, but not be limited to the following unlawful conduct:

- (1) It is unlawful to rent out a vacation rental without a current registration issued by the city in accordance with this chapter. It shall create a rebuttable presumption of violation if the vacation rental is shown to have been advertised as a vacation rental for one or more dates during which the vacation rental does not have a valid registration. Such showing can consist of one or more screen shots of such an advertisement when reviewed by a code enforcement officer or presented to the special magistrate.
- (2) It is unlawful to offer a vacation rental for rent or to advertise a vacation rental for rent without a current registration issued by the city in accordance with this chapter. It shall create a rebuttable presumption of violation if the vacation rental is shown to have been advertised as a vacation rental for one or more dates during which the vacation rental does not have a valid registration. Such showing can consist of one or more screen shots of such an advertisement when reviewed by a code enforcement officer or presented to the special magistrate.
- (3) It is unlawful to rent or to advertise for rent a vacation rental for occupancy in excess of the applicable maximum occupancy. It shall create a rebuttable presumption of violation if the vacation rental is shown to have been advertised as a vacation rental for occupancy in excess of that allowed under the vacation

rental's then current registration. Such showing can consist of one or more screen shots of such an advertisement when reviewed by a code enforcement officer or presented to the special magistrate.

- (4) It is unlawful to be an occupant of a vacation rental at any time that the number of occupants of the vacation rental exceeds its maximum occupancy.
- (5) It is unlawful to fail to provide any of the information required to be provided to occupants of the vacation rental by this chapter.
- (6) It is unlawful to park at or near a vacation rental in violation of the provisions of this chapter.
- (7) It is unlawful to provide any false or misleading information in connection with any application for an initial or renewed registration, or for amendment of a registration as required by this chapter. Any knowing and intentionally false or misleading statements made in any such application or any intentionally false or misleading statement or information submitted in connection with an application shall subject the applicant to a fine and shall constitute grounds for the suspension of any certificate of registration issued pursuant to such application.
- (b) Each day a violation exists, or each instance of violation, as applicable, shall constitute a separate and distinct violation.
- (c) The vacation rental owner shall be liable for any violations of this chapter and for any violations of a code compliance order pertaining to the vacation rental. In addition, when two (2) or more persons commit a violation, each violator shall be jointly and severally liable for any fines or penalties assessed. This applies to situations where an owner, a designated responsible party, occupant, or guest are together responsible for a violation of this chapter. Any fines to occupants resulting from violations of this chapter or other city ordinances after the property owner or a designated responsible party was advised shall also be the responsibility of the property owner to pay.
- (d) Repeat violations may be scheduled for a hearing before the special magistrate and, at the option of the code officer, the repeat violator can be notified that they do not have the option to pay a fine prior to the hearing to avoid a special magistrate hearing. For purposes of this paragraph the term repeat violation shall mean a second violation of the same provision of this chapter or the same provision of another applicable city ordinance for the second time within a one-year period.
- (e) If the special magistrate affirmatively finds, after reviewing one or more sworn statements, hearing relevant testimony and argument that repeat violations relating to a vacation rental have had a significant negative impact upon one or more neighbors in the vicinity of the vacation rental, and finds that based upon such finding, such repeat violation is either irreparable or irreversible in nature, the special magistrate may issue an order requiring the payment of a fine or fines in an amount not exceeding \$5,000 per violation or per day as applicable. Such a fine(s) may be in addition to any suspension as provided in Sec. 26.5-59.

Sec. 26.5-59. Suspension of certificate of registration.

- (a) In addition to any fines and any other remedies described herein or provided by law, a special magistrate may suspend an initial or renewed registration for a vacation rental upon request in accordance with the suspension time frames set forth in subsection (b) below. Such suspension of registration shall occur if the special magistrate affirmatively finds, after reviewing one or more sworn statements and hearing any testimony and argument presented, that the violations have had a significant negative impact upon one or more neighbors in the vicinity of the vacation rental, and that the suspension of the registration is reasonable given all relevant information presented on the subject. The suspension time frames set forth hereinafter shall be based upon rolling two (2) year time periods.

(b) Suspension time frames.

(1) For a first violation of this chapter or other applicable city ordinance, suspension of a certificate of registration is not authorized.

(2) Upon a second violation of this chapter or other applicable city ordinance, the certificate of registration, if suspended, shall be suspended for a period of thirty (30) calendar days.

(3) Upon a third violation of this chapter or other applicable city ordinance, the certificate of registration, if suspended, shall be suspended for a period of ninety (90) calendar days.

(4) Upon a fourth violation of this chapter or other applicable city ordinance, the certificate of registration, if suspended, shall be suspended for a period of one-hundred eighty (180) calendar days.

(5) For each additional violation of this chapter or other applicable city ordinance, the certificate of registration, if suspended, shall be suspended for an additional one-hundred eighty (180) calendar day period.

(c) A vacation rental may not host any occupants during any period of time when the certificate of registration for the vacation rental is suspended, (referred to sometimes herein as “suspended hosting”).

(d) The suspension shall begin following notice, commencing either at the end of the current vacation rental lease period or within thirty (30) calendar days thereafter, or as otherwise determined by the special magistrate in order to avoid impairment of the validity of an executed rental agreement for the vacation rental. It is not the intent of this chapter to cause the impairment of an existing contract. The special magistrate shall, however, require positive proof that any claimed existing contract exists and is enforceable. If it is necessary when ordering a suspension of registration, a special magistrate order shall make exceptions for proven existing contracts. It shall be the duty and burden of the vacation rental owner or agent to provide positive proof of any preexisting vacation rental contracts along with copies of the contracts showing the dates and occupants relating to such preexisting contracts (or such other proof as deemed sufficient by the special magistrate) at any repeat violation special magistrate hearing. If the owner or agent of a vacation rental fails to provide at a repeat violation special magistrate hearing proof of preexisting contracts, it shall be presumed that no such preexisting contracts exist. Any expenses relating to further special magistrate hearings necessary to revise any order due to preexisting contracts requiring occupancy during a previously adjudicated period of suspension shall be paid by the vacation rental owner along with an administrative charge as set by resolution of the city commission. Orders requiring suspension shall, if necessary due to preexisting contracts, specify specific periods and specific occupants when occupancy shall be allowed during a period of suspension. A period of suspension shall be extended to take into consideration any preexisting contracts so that the total suspension provided is equal to the days the vacation rental shall be unoccupied.

(e) It shall be a violation of this chapter and of this code of ordinances to indicate in an advertisement for a vacation rental that the vacation rental is available for rent during a time period when the vacation rental is not legal to occupy due to it being under a state of suspension, (hereinafter sometimes referred to as “advertising for suspended date”).

(f) Operation of a vacation rental and hosting of rental occupants during any period of suspension, (other than any rentals that were set forth in exceptions in the special magistrate order due to pre-existing contracts), or advertising for suspended date shall be punishable by a suspension for an additional ninety (90) calendar day period. Screen shots taken from a vacation rental website after the date the suspension was adjudicated showing advertising for suspended date shall constitute a rebuttable presumption of this offense when presented to the special magistrate.

(g) An application for a registration may be submitted during the period of suspension; however, no registration may be issued for the vacation rental until the period of suspension has expired.

Sec. 26.5-60. Specific fines for advertising for or rental of suspended vacation rental.

For every day that there is advertising for a suspended date and for every day that a vacation rental is operated during a suspended date, the vacation rental owner shall be liable for a fine assessed by citation of \$500 per day.

Sec. 26.5-61. Citations; service of citations; multiple violations included in one citation; appeal time.

Citations issued for violations of this chapter shall be deemed validly served when emailed to the vacation rental owner and/or vacation rental agent at the email address(es) associated with the vacation rental registration. Such citation may be issued either directly by the city or by a third party provider of the city. One citation may include one or more violations and/or one or more days or incidents of violations. Each violation and/or each day or incident of violation shall be stated in the violation, the fine or penalty for each violation shall be stated, and the total fines or penalties set forth in the citation shall be set forth. A citation may be appealed to the special magistrate if such appeal is made in writing to the city clerk within fourteen (14) calendar days after the citation notice is emailed to the vacation rental owner and/or its agent. If no appeal is received within that timeframe, the citation shall be considered final agency action, subject only to a judicial appeal as provided under Florida law.

Secs. 26.5-60—26.5-62. Reserved.

Sec. 26.5-63. Required providing of vacation rental and local information—Posting.

- (a) In each vacation rental, there shall be provided, in a prominent location, the following written information:
 - (1) The name, address and phone number of the vacation rental owner or agent, as applicable.
 - (2) The maximum occupancy of the vacation rental.
 - (3) A copy of a document to be supplied by the city which includes excerpts from City of Cocoa Beach ordinance provisions of general application relevant to vacation rentals to include solid waste pick-up regulations, regulations related to sea turtles and sea turtle lighting, City of Cocoa Beach Noise Ordinance, notifications as to speed limits and driving information, and other relevant information, as specified by resolution of the City, as a lease addendum. The city will make available to vacation rental owners and agents a copy of such document in digital format upon request, and the city will post such document on its website.
 - (4) The maximum number of vehicles that can be parked at the vacation rental, along with a sketch of the location of the off-street parking spaces.
 - (5) The days and times of trash pickup.
 - (6) The location of the nearest hospital.
- (b) There shall be posted, next to the interior door of each bedroom a legible copy of a building evacuation map—Minimum eight and one-half (8½) inches by eleven (11) inches.

ARTICLE IV. EXEMPTIONS

Sec. 26.5-64. Exemption for pre-existing rental agreements.

Notwithstanding any other provision of this ordinance, rental agreements with prospective occupants for vacations rentals located within the RS-1 zoning district that were pre-existing as of the original enactment of chapter 26.5 (March 5, 2020), (hereinafter "pre-existing agreements") are exempt from the provisions of this ordinance.

Notwithstanding any other provision of this ordinance, rental agreements with prospective occupants for vacations rentals located anywhere in the city other than within the RS-1 zoning district that were pre-existing as of this amendment of chapter 26.5 (April 17, 2025), (hereinafter also referred to as "pre-existing agreements") are exempt from the provisions of this ordinance.

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

1. Copy of deposit or payment information evidencing that the agreement was a pre-existing agreement.
2. Copy of email or other communication evidencing a binding Pre-existing agreement.
3. Information from the occupant confirming that there was a binding agreement in a time-frame to make the agreement as pre-existing agreement under this chapter.

If it is reasonably determined by the city staff, and confirmed by the city's special magistrate that any information supplied to the City of Cocoa Beach in support of an application for exemption, or in support of a defense based upon pre-existing agreement, was intentionally false or fraudulent, the person supplying the false or fraudulent information shall be subject to a fine as set by the city commission by resolution and as otherwise provided in this chapter.

**City of Cocoa Beach City Commission
Agenda Item Summary**

**DEPARTMENT MAKING
REQUEST/NAME:**

City Clerk /
Becky Vose, City Attorney

MEETING DATE

April 17, 2025

REQUESTED MOTION/ACTION

ADOPT RESOLUTION NO. 2025-07

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCOA BEACH, FLORIDA; Providing Legislative Findings; AMENDING RESOLUTION NO. 2025-01 By Changing Vacation Rental Fees And Fines From Those Set Forth In That Resolution; Setting Forth Estimated Costs To Regulate Vacation Rentals And A Formula To Use To Determine The Registration Fee For Vacation Rentals Based On Maximum Allowed Occupancy And Computation Based On Maximum Number Of Guests Allowed In The Vacation Rental; And Providing For Severability And An Effective Date.

Staff Representative: City Commission

Recommendation: Adopt

IS THIS ITEM BUDGETED (IF APPLICABLE)?

BACKGROUND:

This Resolution amends the previous Resolution setting Vacation Rental fees and fines in accordance with the direction of the City Commission.

RESOLUTION NO. 2025-07

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCOA BEACH, FLORIDA; PROVIDING LEGISLATIVE FINDINGS; AMENDING RESOLUTION NO. 2025-01 BY CHANGING VACATION RENTAL FEES AND FINES FROM THOSE SET FORTH IN THAT RESOLUTION; SETTING FORTH ESTIMATED COSTS TO REGULATE VACATION RENTALS AND A FORMULA TO USE TO DETERMINE THE REGISTRATION FEE FOR VACATION RENTALS BASED ON MAXIMUM ALLOWED OCCUPANCY AND COMPUTATION BASED ON MAXIMUM NUMBER OF GUESTS ALLOWED IN THE VACATION RENTAL; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Cocoa Beach (hereinafter “City”) enacts this Resolution through its home rule powers in the interest of the health, peace, safety, and general welfare of the citizens of and visitors to the City; and

WHEREAS, the City has made a detailed estimation of the funds needed to appropriately and adequately registering and regulating vacation rentals in the City as reflected in the attached Exhibit “A”; and

WHEREAS, the costs to regulate vacation rentals located in single family homes is estimated to be approximately 1.5 times the estimated costs to regulate vacation rentals located in buildings other than in single family homes (hereinafter referred to as “multifamily buildings”); and

WHEREAS, the costs to regulate vacation rentals is appropriately allocated based upon the maximum number of guests that are authorized to stay in each vacation rental, with the costs proportionately increasing as the occupancy increases; and

WHEREAS, the City of Cocoa Beach finds that the formula set forth in the attached Exhibit “B” should be used to allocate the costs to the City related to the registration and regulation of vacation rentals set forth in Exhibit “A” to result in the per guest registration fee for vacation rentals based on whether the vacation rental is in a single-family residence, or a multifamily building; and

WHEREAS, the revised vacation rental registration fees set forth in Exhibit “C” hereto reasonably approximate the actual costs to the City of the regulation of vacation rentals; and

WHEREAS, the revised vacation rental civil penalties associated with vacation rentals set forth in Exhibit “C” hereto are deemed to be appropriate penalties for the associated violations; and

WHEREAS, the city commission hereby makes a legislative determination that violations of the portions of the City’s vacation rental ordinance relating to violations of maximum occupancy and/or violations of operating without a vacation rental registration to be irreparable and irreversible in nature in that the harm to the citizens of Cocoa Beach and the harm to the reputation and good name of the City of Cocoa Beach caused by such violations cannot be undone; and

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Cocoa Beach, Florida, as follows:

SECTION ONE: The above recitals are true and correct and by this reference are hereby incorporated herein and made an integral part hereof as though fully set forth herein.

SECTION TWO: The vacation rental fees and fines are hereby revised to be as set forth in the attached Exhibit “C”.

SECTION THREE: All resolutions or parts of resolutions in conflict herewith are hereby repealed.

SECTION FOUR: This Resolution with attachments and the fees and fines schedule attached as Exhibit “C” shall be posted on the City’s website and shall be made available in the Development Services Office and the City Manager’s Office.

SECTION FIVE: Effective Date: This resolution shall become in full force and effect upon adoption.

Upon Motion by Commissioner _____ and Seconded by Commissioner _____, this Resolution was duly adopted at a Regular Meeting of the City Commission of the City of Cocoa Beach, Florida, held on the 17th day of April, 2025.

Ayes: _____
Nays: _____
Absent or Abstaining: _____

Keith Capizzi
Mayor-Commissioner

ATTEST:

Karin Grooms, City Clerk

<u>Development Services</u>		<u>Wage/Cost</u>	<u>Amount</u>	<u>Total Program Cost</u>	<u>Cost of Benefits</u>	<u>Annual Cost</u>	<u>Monthly Cost</u>	<u>NOTES/COMMENTS</u>
Personnel Costs								
Code Enforcement Officer	\$	66,780.00	1 FTE	\$ 66,780.00	\$ 96,831.00	\$ 96,831.00	\$ 8,069.25	1 existing position
Code Enforcement Officers	\$	66,780.00	1 FTE	\$ 66,780.00	\$ 96,831.00	\$ 96,831.00	\$ 8,069.25	1 addition to staff
Code Enforcement Officers	\$	53,424.00	.80 FTE	\$ 53,424.00	\$ 24,040.80	\$ 77,464.80	\$ 6,455.40	.80 FTE nights & Weekends Addition
Development Services Deputy Director	\$	37,500.00	.50 FTE	\$ 37,500.00	\$ 16,875.00	\$ 54,375.00	\$ 4,531.25	50% of salary with benefits allocated towards program costs (current staff)
Development Services Director	\$	22,000.00	.20 FTE	\$ 22,000.00	\$ 9,900.00	\$ 31,900.00	\$ 2,658.33	20% of salary with benefits allocated towards program costs (current staff)
Planner	\$	53,000.00	.25 FTE	\$ 13,250.00	\$ 5,962.50	\$ 19,212.50	\$ 1,601.04	25% of salary with benefits allocated towards program costs
Code Enforcement Specialist	\$	41,600.00	.80 FTE	\$ 33,280.00	\$ 14,976.00	\$ 48,256.00	\$ 4,021.33	.80 FTE Title to TBD
Permit Tech	\$	46,700.00	.5 FTE	\$ 23,350.00	\$ 10,507.50	\$ 33,857.50	\$ 2,821.46	50% of salary with benefits allocated towards program costs
Personnel Total:	\$	254,224.00		\$ 182,804.00	\$ 82,261.80	\$ 265,065.80	\$ 22,088.82	Cost of benefits is wage plus 45% (costs of all employee benefits)
Other/Misc								
2 Vehicles (One-time cost)	\$	40,000.00	2.0	\$ 80,000.00	\$ -	\$ 11,428.57	\$ 952.38	2 cars @ 40K each with lifespan of 7 years estimated
Vehicle Insurance	\$	5,000.00		\$ 5,000.00	\$ -	\$ 5,000.00	\$ 416.67	Cost for 5 current plus 2 additional vehicles
Fleet Maintenance	\$	3,000.00		\$ 3,000.00	\$ -	\$ 3,000.00	\$ 250.00	Cost for 5 current plus 2 additional vehicles
Gasoline	\$	4,600.00		\$ 4,600.00		\$ 2,070.00	\$ 172.50	
Rental Scape	\$	43,750.00		\$ 43,750.00		\$ 43,750.00	\$ 3,645.83	45% of annual fuel budget (this will potential increase with change to STR)
Other/Misc Total:	\$	96,350.00		\$ 88,000.00	\$ -	\$ 65,248.57	\$ 5,437.38	Base progra, online registration, 24/7 resident hotline, public portal & outreach
Development Services Total:						\$ 330,314.37	\$ 27,526.20	Personnel cost plus Other/Misc cost
<u>Fire Department</u>		<u>FY24/25 Budget</u>				<u>Annual Cost</u>	<u>Monthly Cost</u>	
Personnel Costs		<u>Wage/Cost</u>	<u>Amount</u>	<u>Total Program Cost</u>	<u>Cost of Benefits</u>	<u>Annual Cost</u>	<u>Monthly Cost</u>	
Fire Chief	\$	6,750.00	.05 FTE	\$ 6,750.00	\$ 3,037.50	\$ 9,787.50	\$ 815.63	5% of Fire Chief
Fire Marshal/Division Chief	\$	19,540.60	.20 FTE	\$ 19,540.60	\$ 8,793.27	\$ 28,333.87	\$ 2,361.16	20% Fire Marshal/Division Chief
Fire Inspector	\$	25.00	1 FTE	\$ 52,000.00	\$ 23,400.00	\$ 75,400.00	\$ 6,283.33	\$25 p/h plus cost of benefits (45% costs of all employee benefits) - Additional staff
Fire Inspector	\$	25.00	1 FTE	\$ 52,000.00	\$ 23,400.00	\$ 75,400.00	\$ 6,283.33	\$25 p/h plus cost of benefits (45% costs of all employee benefits)
Personnel Total:	\$	25.00		\$ 52,000.00	\$ 23,400.00	\$ 75,400.00	\$ 6,283.33	
Other/Misc								
1 additional vehicle for additional positon	\$	40,000.00		\$ 40,000.00	\$ -	\$ 5,714.29	\$ 476.19	1 car @ 40K each with lifespan of 7 years estimated
Vehicle Insurance	\$	4,500.00		\$ 4,500.00	\$ -	\$ 4,500.00	\$ 375.00	annual cost for vehicles utilized
Fleet Maintenance	\$	2,500.00		\$ 2,500.00	\$ -	\$ 2,500.00	\$ 208.33	cost of maintenance
Gasoline/Diesel	\$	28,418.55		\$ 28,418.55		\$ 1,420.93	\$ 118.41	5% of annual fuel budget
Other/Misc Total:	\$	7,000.00		\$ 47,000.00	\$ -	\$ 14,135.21	\$ 1,177.93	
Fire Department Total:						\$ 292,591.80	\$ 24,382.65	5% of budgeted totals plus Personnel and Other/Misc costs
<u>HR & Risk Personnel</u>		<u>FY24/25 Budget</u>				<u>Annual Cost</u>	<u>Monthly Cost</u>	
Administration	\$	493,298.00				\$ 24,664.90	\$ 2,055.41	Annual cost is 5% estimate of the total Human Resources/Risk budget
HR & Risk Personnel Total:						\$ 24,664.90	\$ 2,055.41	
<u>City Manager</u>		<u>FY24/25 Budget</u>				<u>Annual Cost</u>	<u>Monthly Cost</u>	
Administration	\$	646,515.00				\$ 64,651.50	\$ 5,387.63	Annual cost is 10% estimate of the total City Manager budget
City Manager Total:						\$ 64,651.50	\$ 5,387.63	
<u>Legal Cost</u>		<u>Quote Provided</u>				<u>Annual Cost</u>	<u>Monthly Cost</u>	
City Attorney	\$	48,000.00				\$ 48,000.00	\$ 4,000.00	Annual cost is estimate provided by City Attorney
Legal Total:						\$ 48,000.00	\$ 4,000.00	
<u>Other/Miscellaneous Costs</u>						<u>Annual Cost</u>	<u>Monthly Cost</u>	Estimates provided that may increase/decrease dependent on volume
Postage - mailed documents					\$	15,000.00	\$ 1,250.00	postage increase due to statutory requirement for cerified mail
Magistrate costs (estimated)					\$	7,200.00	\$ 600.00	
IT					\$	14,699.00	\$ 1,224.92	
Other/Misc Total:						\$ 36,899.00	\$ 3,074.92	
						Annual Cost	Monthly Cost	
Grand Total:						\$ 797,121.57	\$ 66,426.80	Final total (Development Services, Police, Fire, HR & Risk, City Manager, Legal, and Other/Misc.)

Exhibit "B"

Given:

- Total Regulatory Cost = \$791,121
- Single-family VRs cost 1.5 times more to regulate per guest than multifamily VRs
- Total VRs = 765
 - 204 single family VRs
 - 561 multifamily VRs
- Average guests per VR
 - Single family: 7.41
 - Multifamily: 5.67

Step 1: Define Variables

Let:

- x = charge per guest in a multifamily VR
- $1.5x$ = charge per guest in a single-family VR (since it's 1.5 times more costly)

Step 2: Total Number of Guests

Single-family VRs: 204 VRs $\times$ 7.41 guests = 1,511.64 guests

Multifamily VRs: 561 VRs $\times$ 5.67 guests = 3,181.87 guests

Step 3: Equation for Total Revenue

The total charges collected should equal the total cost of regulation:

$$(1.5x)(1,511.64) + x(3,181.87) = 797,121$$

Step 4: Solve for x

$$\begin{aligned}(1.5 \times 1,511.64)x + 3,181.87x &= 797,121 \\ 2,267.46x + 3,181.87x &= 797,121 \\ 5,449.33x &= 797,121 \\ x &= \frac{797,121}{5,449.33} = 146.30\end{aligned}$$

Step 5: Equitable Fees

- Multifamily VR charge per maximum allowed guest: $x = \$146.30$ (including fire and building code inspections)
- Single-family VR charge per maximum allowed guest: $1.5x = \$219.45$ (including fire and building code inspections)

Exhibit C

Cost	Per	Vacation Rentals
\$219.45	Each guest based on allowed occupancy	Vacation Rental Application/Registration/Renewal Fee for VRs in single family homes inclusive of fire and building inspections. Example: 8 guests = \$1,755.60; 2 guests = \$438.90
\$146.30	Each guest based on allowed occupancy	Vacation Rental Application/Registration/Renewal Fee for VRs in multifamily buildings inclusive of fire and building inspections. Example: 8 guests = \$1,170.40; 2 guests = \$292.60
\$250.00	Each	No Show or Re-Inspection fee for fire or building inspection
\$250.00	Each	Change of Ownership Vacation Rental Application & Registration Fee
\$250.00	Each	Modification of existing vacation rental registration: (change in number of bedrooms or parking or change in location of parking spaces)
\$250.00	Each	Permanent Transfer of Responsible Party Fee (Agent) Note: Up to 3 Responsible Parties can be listed in registration at no extra charge – charge applies if additional Responsible Party is added.
\$250.00	Each	Temporary Transfer of Responsible Party Fee (Agent), each occurrence. Note: Up to 3 Responsible Parties can be listed in registration at no extra charge – charge applies if additional Temporary Responsible Party is added.
\$500.00	Each	Late Fee for Annual Registration (paid when renewing registration)
\$250.00	First Day	Citation penalty for operating without Registration
\$500 per day	Second through fifth day	Citation penalty for operating without Registration
\$1,000 per day	Sixth and subsequent days	Citation penalty for operating without Registration
\$250 per day	First day	Citation penalty for operating at over occupancy greater than permitted
\$500 per day	Second through fifth days	Citation penalty for operating at over occupancy greater than permitted
\$1,000 per day	Sixth and subsequent days	Citation penalty for operating at over occupancy greater than permitted – second and subsequent offenses/per day
\$250 per vehicle	Each offense	Citation penalty for parking not in compliance with the approved parking plan (Charged to VR Owner and to vehicle owner)

City of Cocoa Beach City Commission Agenda Item Summary

**DEPARTMENT MAKING
REQUEST/NAME:**

City Manager /
Karin Grooms, City Clerk

MEETING DATE

April 17, 2025

REQUESTED MOTION/ACTION

Requesting the Commission to provide a path forward for staff regarding hiring for the City Manager position. Potential costs incurred for filling this position is unbudgeted for FY 2025.

Effective August 31, 2025, City Manager, Wayne Carragino, will be retiring from the City of Cocoa Beach after 17 years of service.

Staff Representative: Cindy Depina, Human Resources Director; Karin Grooms, City Clerk/Assistant City Manager

Recommendation: Provide direction to move forward

IS THIS ITEM BUDGETED (IF APPLICABLE)?

Not budgeted

BACKGROUND:

City of Cocoa Beach City Commission Agenda Item Summary

**DEPARTMENT MAKING
REQUEST/NAME:**

City Clerk /
Michael Bryan, Assistant to the City Clerk

MEETING DATE

April 17, 2025

REQUESTED MOTION/ACTION

Request for parking spaces at the Beach Island Resort Lessees Association Inc.
Daytime parking permits for guests that stay at the Resort for the 11th street parking
area just down from the resort, next to Mar Bleu condominium.

Requester: Penelope E. Cossich

Recommendation: Discuss

IS THIS ITEM BUDGETED (IF APPLICABLE)?

BACKGROUND:

COCOA BEACH CITY COMMISSION

AGENDA ITEM REQUEST FORM

Please mail the completed form to:

City Manager's Office
City of Cocoa Beach
P.O. Box 322430
Cocoa Beach, Florida 32932-22430

DATE: March 28, 2025

NAME: Penelope E. Cossich

PHONE: (321)616-6465

Business Name: Beach Island Resort Lessees Association Inc

BUSINESS ADDRESS: 1125 S. Atlantic Avenue, Cocoa Beach, FL 32931

BUSINESS PHONE: (321)874-5720 **Cell Phone:** (321)616-6465

PLEASE COMPLETE THE FOLLOWING:

ITEMS(S) TO BE CONSIDERED:

Day time parking permits for our guests that Stay at our Resort for the 11th street parking area just down from our resort, next to Mar Bleu condominium.

PERTINENT FACTS CONCERNING ITEMS(S): Our occupancy numbers have increased drastically this year, and we are bringing in more tourism dollars for the city, our revenues have increased 217% in 3 months. The parking issue is to the point that we are getting complaints from our guests that they do not have anywhere to park. This inconvenience to our guests is to the point that some guests will not leave our property to enjoy the downtown Cocoa Beach amenities, as they do not want to lose their parking space.

We have a total of 12 spaces out front just off the street and 1 of which is Handicapped, giving us a total of 11 spaces available to our other guest.

We have a total of 17 rentable units. When we are full (which is almost every night) we do not have enough parking space for our guests

We do have a Parking Business License Agreement, that was entered into on March 7th of 2024. Where we were granted the right "License Agreement" to rent for "Overnight Parking use only" 7 spaces on the 11th street south parking area (spaces furthest from the Beach on 11th Street only". From 5:00pm to 9:00 am. This agreement upon execution by all parties on March 7th, 2024, shall continue in force for a period of three (3) years. An annual rate of \$2,404.10.

(PLEASE ATTACH APPLICABLE DOCUMENTS)

(SEE ATTACHED PAGE)

DESIRED ACTION BY COMMISSION: (USE REVERSE SIDE FOR ADDITIONAL SPACE)

Ten (10) daytime passes to accommodate our guest parking issue when we are at full capacity. We would like to amend our current Parking Space Rental agreement to include an additional three (3) nighttime passes and "Daytime parking" for a period of 3 years starting from the date of the amended agreement. This would mean that the passes we would have would be for 24-hour parking for ten (10) vehicles on 11th street, closest to the street, which is the farthest from the beach.

Signed by: *Penelope E. Cossich*
Penelope E. Cossich
On Site Manager and
Director of the Board