

**MINUTES  
SHORT TERM RENTAL  
IMPACT COMMITTEE  
JULY 25, 2023 – 10:00 AM  
CITY HALL BOARDROOM**

**1. CALL TO ORDER:**

The Short-Term Rental Impact Committee met in regular session with the following members and City staff present:

**2. ROLL CALL:**

**Members Present**

Marcie Bell  
Carrie Harbarger  
Casey Gates Ward  
Todd Buhr (via teleconference)

**Staff Present**

Rey Bailey, City Clerk  
Troy Williams, Code Compliance Director  
Steve O'Connor, Principal Planner  
Darlene Lebold, Admin Asst, Code  
William Morales, Code Officer  
Kimberly Kopp, City Attorney

**Members Absent**

Denise Owens  
Patti Brown  
Ken Wampler

**VISITORS**

Capt. Jason Fulghum, District 3 Chief –  
Okaloosa County Sheriff's Department  
Darryl Shelton  
Guy Tadlock  
Alice Tadlock  
Melissa Garza

Vice-Chair Marcie Bell announced that this meeting will serve as a workshop only and no official action will be taken as there are not enough members physically present to constitute a quorum.

**APPROVAL OF MINUTES:**

**A. June 23, 2023**

## **B. June 30, 2023**

Approval of above meeting minutes moved to the next meeting.

### **3. NEW BUSINESS**

#### **A. Misdemeanor Charges – STR Code Violations**

According to the City Attorney Kimberly Kopp, this committee has briefly discussed at a prior meeting whether they could under state law, and as a municipality, treat certain offenses as misdemeanors, which would be a fine of up to \$500, or up to 60 days in jail for the violators. She had invited Capt. Jason Fulghum of Okaloosa Sheriff's Department, to this meeting to get a law enforcement's perspective on what kinds of code violations could be classified as misdemeanors and being able to enforce those kinds of code provisions.

Capt. Fulghum noted that the Sheriff's Department enforces life safety regulations, and that any city code that could be tied to preservations of life will definitely be enforced. However, they could provide back up support to the city's code officers responding to a noise complaint to make sure they are safe.

Vice-Chair Marcie Bell asked whether trespass is enforced by the Sheriff's Department.

Capt. Fulghum replied affirmatively stating that it is state law, but they will first issue a warning for the initial violation.

Ms. Kopp asked whether arrests can be made if they change the code making excessive noise a misdemeanor.

Capt. Fulghum reiterated that they would only accompany the city's code officers when they respond to a noise complaint. He also stated that the city will be better served by increasing the fines considerably and holding the property owner accountable for the violation. With regards to the enforcement phase in the county code, the first offense is a written warning; the second offense is \$100 fine; the third offense is a \$350 fine; the fourth offense is a \$400 fine for a second-degree misdemeanor charge. He added that as a general policy, they would not conduct any arrests on any code violation that does not rise to the level of a life safety infraction; but they would be willing to take appropriate actions if there is any ongoing violation the code officers cannot solve.

Ms. Kopp asked whether the only way to enforce a misdemeanor charge in the city code is to obtain an arrest warrant.

According to Capt. Fulghum, there are cases where they can issue a Notice to Appear, but not if the person is not resident of Okaloosa County; and so, they have to obtain a warrant for short-term renters. But even if they are successful, chances are the individual will be gone by the time the warrant is signed by the judge. He added that the State Attorney's Office will not be willing to extradite people for this level of violation.

Ms. Kopp asked whether there is anything in the code they could classify as misdemeanor violation that could rise to the level of life safety from the code compliance perspective.

Code Compliance Director Troy Williams states they would need to conduct more research with regards to short-term rentals especially since the Land Development Code is currently being rewritten.

According to Capt. Fulghum, if the code compliance officers do not feel safe responding to a violation, they can contact the Sheriff's Department and a law enforcement officer will accompany them. The code compliance officer would still interact with the people and conduct the enforcement part while the Sheriff's deputy stands guard until the action is completed.

Ms. Kopp stated that judges do not usually want to fine a property manager who did not actually make the noise guilty of a misdemeanor. But they could probably write into the code that a certain number of noise complaints constitute a breach of the peace or disorderly conduct and then bring up misdemeanor charges on the property manager for failure to evict if they receive multiple noise complaints and fail to evict the tenant. She asked whether this would be enforceable.

According to Capt. Fulghum, they may not enforce it because currently they only enforce life safety infractions.

There were some suggestions to take away their short-term rental license to operate if they commit a certain number of violations.

Ms. Kopp stated that they could pull their permit so they could not operate. However, a lot of them will keep operating because the city's \$500 a day fine, which by state statute is the maximum amount they could impose, is nothing compared to what they make a day. There is also a process involved before they could impose the fine which could take some time. However, when they get to that point, the \$500 a day fine becomes a lien once it is reported. If they do not pay it after 90 days, the city could foreclose on their property.

#### B. Home Exchange Program

Ms. Kopp requests this item be placed on the next agenda so she could conduct more research on the subject.

#### C. Positive/Negative Impacts of Short-Term Rentals.

There were considerable discussions relating to what the committee members perceive as both positive and negative impacts of short-term rentals. The committee members, as well as some of the visitors to the meeting, compiled the following list of pros and cons which they agreed to discuss further at the next meeting.

**City of Destin Resolution 23-04 – Section (Whereas) #12: the City Council desires to create a fact-finding committee for the purpose of describing actual and ongoing impacts from short-term rentals in residential areas located with the City of Destin.**

| <b>STR Pros</b>                                      | <b>STR Cons</b>                                                            |
|------------------------------------------------------|----------------------------------------------------------------------------|
| <b>1. Families can visit and not stay in a Hotel</b> | <b>1. Over Occupancy</b>                                                   |
| <b>2. Support of Local Businesses</b>                | <b>2. Congested Traffic</b>                                                |
| <b>3. Access to Entertainment</b>                    | <b>3. Limited Parking</b>                                                  |
|                                                      | <b>4. Extra Trash</b>                                                      |
|                                                      | <b>5. Sanitation Issues</b>                                                |
|                                                      | <b>6. No Regard for Private Property</b>                                   |
|                                                      | <b>7. Increased Insurance Costs for Destin Residents</b>                   |
|                                                      | <b>8. Increased Noise Pollution</b>                                        |
|                                                      | <b>9. Impacts on Infrastructure</b>                                        |
|                                                      | <b>10. ADA Compliance Issues</b>                                           |
|                                                      | <b>11. Rouge Crowds affecting Traffic</b>                                  |
|                                                      | <b>12. Increased Public Safety Issues</b>                                  |
|                                                      | <b>13. Increased Beach Safety Issues</b>                                   |
|                                                      | <b>14. Transient People/Not attracting Families</b>                        |
|                                                      | <b>15. Accidental Fire Concerns-Grilling on Balconies</b>                  |
|                                                      | <b>16. Owners that do not live here and own Numerous STRs</b>              |
|                                                      | <b>17. Increased Risk to Residents due to Higher/Over Occupancy of STR</b> |
|                                                      | <b>18. Alcohol Related Incidents</b>                                       |
|                                                      | <b>19. Fire Suppression Concerns if STR Over Occupied</b>                  |
|                                                      | <b>20. LSV use Increasing and Reckless</b>                                 |

Ms. Bell noted that she brought copies of minutes and ordinances from previous two Short Term Rental Task Forces' meetings. There are some code provisions that are not being enforced. There were also recommendations from the Task Force that were not adopted by the council. She would like for this item to be placed on the agenda for discussion at their next meeting.

#### **4. PUBLIC COMMENTS**

Mr. Guy Tadlock, a Destin resident, stated that there should be a limit on the number of short-term rentals in the city; adding that some homeowners' associations do not allow more than two out-of-state short-term rental owners. They do not care about the neighborhood. All they care about is making money. They are seeing more and more out of state owners of multiple properties on Holiday Isle subdivisions. They have one right now that owns 9 properties, many of which are big houses with 5 or more bedrooms.

Ms. Bell stated that out-of-state owners have no ownership to this community.

The Land Use Attorney explained that there is a difference what the city can do and what homeowners' associations can do. There is a statutory preemption that affects the city that homeowners' associations do not have. For instance, the city cannot prohibit short-term rentals which is why establishing home rule is quite important.

Mr. Tadlock would also like to see the council adopt an ordinance to not allow a house to be remodeled to allow living below the base flood elevations. There is a house at Gulf Shore Drive that is being advertise that sleeps 24 people.

According to the Land Use Attorney, this matter is currently being heavily litigated with multiple lawsuits pending, and that they should not be discussing it at this time.

#### **ADJOURNMENT**

Having no further business at this time, the meeting was adjourned at 11:40 AM.

  
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Marcie Bell, Vice-Chair