

Town of Esto, Florida Business Impact Estimate

This form should be included in the Town Council agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the Town of Esto website by the time notice of the proposed ordinance is published, excluding the exceptions provided in 166.041(4), Florida Statutes.

ORDINANCE 2026-04

AN ORDINANCE OF THE TOWN OF ESTO, FLORIDA; REPEALING AND REPLACING PREVIOUSLY ADOPTED ORDINANCES IN REGARD TO NUISANCES ON PRIVATE PROPERTY; ADOPTING DEFINITIONS; ADOPTING AN ALTERNATE CODE ENFORCEMENT SYSTEM PURSUANT TO CHAPTER 162, FLORIDA STATUTES; DESIGNATING A CODE ENFORCEMENT OFFICER; PROHIBITING ANONYMOUS COMPLAINT-BASED ENFORCEMENT; ESTABLISHING A SPECIAL MAGISTRATE PROCESS; ESTABLISHING A CODE ENFORCEMENT BOARD; ESTABLISHING A TOWN COUNCIL NUISANCE ABATEMENT BOARD TO SIT IN A QUASI-JUDICIAL CAPACITY PURSUANT TO SECTION 893.138, FLORIDA STATUTES; ADOPTING A CIVIL CITATION ENFORCEMENT MECHANISM WITH HEARING BEFORE THE HOLMES COUNTY COURT JUDGE PURSUANT TO SECTION 162.21, FLORIDA STATUTES; REGARDING DETERMINATION OF NUISANCE; COUNCIL AUTHORITY; PENALTIES FOR NON-COMPLIANCE AND VIOLATIONS; PROVIDING FOR LIEN AND FORECLOSURE PROCEDURES; PROVIDING FOR HOMESTEAD PROTECTIONS; PROVIDING FOR ELECTION OF REMEDIES AND NON-WAIVER; PROVIDING FOR APPEALS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

This Business Impact Estimate is provided in accordance with Section 166.041(4), *Florida Statutes*. If one or more boxes are checked below, this means the Town of Esto is of the view that a business impact estimate is not required by state law¹ for the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- ☐ The proposed ordinance is an emergency ordinance;

¹ See Section 166.041(4)(c), Florida Statutes.

- ☐ The ordinance relates to procurement; or
- ☐ The proposed ordinance is enacted to implement the following:
 - a. Development orders and development permits, as those terms are defined in s. 163.3164, and, development agreements, as authorized by the Florida Local Government Development Agreement Act under ss. 163.3220-163.3243;
 - b. Comprehensive Plan Amendments and land development regulation amendments initiated by an application by a private party other than the county;
 - c. Sections 190.005 and 190.046, *Florida Statutes*, regarding community development districts;
 - d. Section 553.73, *Florida Statutes*, relating to the *Florida Building Code*; or
 - e. Section 633.202, *Florida Statutes*, relating to the *Florida Fire Prevention Code*.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the Town of Esto hereby publishes the following information:

1. Summary of the proposed ordinance:

The proposed ordinance repeals and replaces the Town's prior nuisance ordinance provisions and updates the Town's nuisance and code enforcement procedures. The ordinance defines nuisance conditions on private property, designates a Code Enforcement Officer, prohibits anonymous complaint-based enforcement except as allowed by law, and establishes procedures for enforcement through a Special Magistrate, Code Enforcement Board, Town Council Nuisance Abatement Board, and civil citation process.

The ordinance addresses nuisance conditions including, but not limited to, overgrown lots, trash and debris, junk or abandoned vehicles, unsafe or abandoned structures, stagnant water, improperly maintained animal enclosures, and certain nuisance-related unlawful activity. The ordinance also provides for notices, hearings, administrative fines, abatement of nuisances, liens for unpaid costs and fines, homestead protections, appeals, and other enforcement procedures.

The intent of the ordinance is to protect the public health, safety, welfare, property values, and general appearance of the Town by providing clearer and more effective procedures for addressing nuisance conditions.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the Town of Esto, if any:

a) An estimate of direct compliance costs that businesses may reasonably incur;

The proposed ordinance is not expected to impose direct compliance costs on private, for-profit businesses that maintain their properties in compliance with the ordinance.

A business that owns, leases, occupies, or controls property within the Town may incur costs only if that property contains a nuisance condition and the business is required to correct or abate the violation. Any such cost would depend on the specific facts of the violation, the condition of the property, and the corrective action required.

b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and

The proposed ordinance does not impose a generally applicable business fee, license fee, or recurring charge on businesses.

However, if a business or business-owned property is found to be in violation of the ordinance, the business may be responsible for administrative fines, civil citation penalties, abatement costs, investigation costs, administrative costs, and reasonable attorney fees as provided in the ordinance. Such costs would only apply in connection with a violation or enforcement action.

c) An estimate of the Town of Esto regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

The Town may incur regulatory costs related to investigation, notice preparation, hearings, legal review, special magistrate services, code enforcement services, abatement, and recording or enforcing liens. These costs are expected to vary depending on the number and complexity of enforcement cases.

The ordinance allows the Town to recover certain costs, fines, and expenses from responsible parties when violations are found. Any revenue received from fines, civil citations, abatement cost recovery, or lien enforcement is not expected to be a general revenue source, but rather would be related to specific enforcement actions and cost recovery.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

The number of private, for-profit businesses likely to be directly impacted by the proposed ordinance is expected to be low.

The ordinance applies generally to owners, tenants, occupants, caretakers, and persons in possession or control of property within the Town. Businesses would only be directly impacted if they own, lease, occupy, or control property that contains a nuisance condition or becomes subject to a code enforcement action.

4. Additional information the governing body deems useful (if any):

The proposed ordinance is intended to provide the Town with updated, flexible, and legally structured procedures for addressing nuisance conditions. The ordinance does not prohibit lawful business activity and is not intended to regulate businesses as businesses. Its primary purpose is to address nuisance conditions that affect public health, safety, welfare, property values, and the general condition of properties within the Town.