

BUSINESS IMPACT ESTIMATE FORM
Posted To Webpage September 29, 2023

This Business Impact Estimate is given as it relates to the proposed ordinance titled:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF OKALOOSA COUNTY, FLORIDA; AMENDING CHAPTER 11, ARTICLE VI “CODE ENFORCEMENT” SECTION 11-607 “CODE ENFORCEMENT BOARD”, REVISING THE ENFORCEMENT PROCEDURES RELATED TO OKALOOSA ISLAND COVENANT AND RESTRICTIONS, UPDATING THE TIMING FOR BRINGING FORWARD A NUISANCE ABATEMENT PROCEEDING, DELETING AND RESERVING SECTION 11-614 TITLED “RELIEF”, AND CREATING ARTICLE VII TITLED “APPLICATION FOR SATISFACTION AND REDUCTION OF CODE ENFORCEMENT LIENS”; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Part I.

Summary of the proposed ordinance and statement of public purpose¹:

The proposed ordinance: (1) eliminates the one-year waiting period for properties to go to the Board of County Commissioners for Consideration when a public nuisance is outstanding on the property; (2) further specifies how relief may be sought by those wishing to satisfy a code enforcement lien at a reduced amount; and (3) addresses how the Okaloosa Island Covenants and Restrictions shall be adjudicated by the Code Enforcement Board.

The proposed Ordinance serves a public purpose by further improving the process to service the public on Code Enforcement issues and provide the County with the opportunity to address outstanding health and safety issues in a speedier manner. The

The proposed Ordinance also clarifies and provides direction to those individuals/entities who are looking to satisfy outstanding Code Enforcement liens or seek deductions in the lien amounts.

¹ Address the public purpose to be served by the proposed ordinance, such as serving the public health, safety, morals, and welfare of the County.

Part II.

Estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the County: *(fill out subsections a-c as applicable, if not applicable write "N/A")*

- a. Estimate of direct compliance costs that businesses may reasonably incur if the proposed ordinance is enacted:

At the most, this Ordinance would have a positive economic impact on for-profit businesses in or near a public nuisance or other code enforcement violation as it will help to resolve such issues faster.

- b. Identification of any new charges or fees on businesses subject to the proposed ordinance, or for which businesses will be financially responsible; and

A new application fee for those entities or individuals seeking reductions in lien amounts under existing Code Enforcement liens.

- c. An estimate of the County's regulatory costs, including an estimate of revenues from any new charges or fees that will be imposed on businesses to cover such costs.

The proposed fee is \$120, the estimated revenues from the new fee to be imposed is \$360. That is based on the total amount of businesses that have come to the County for lien reductions within the last year.

Part III.

Good Faith Estimate of the number of businesses likely to be impacted by the ordinance:

Any business with Code enforcement violations in the unincorporated areas of Okaloosa County.

ORDINANCE 2023 - _____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF OKALOOSA COUNTY, FLORIDA; AMENDING CHAPTER 11, ARTICLE VI “CODE ENFORCEMENT” SECTION 11-607 “CODE ENFORCEMENT BOARD”, REVISING THE ENFORCEMENT PROCEDURES RELATED TO OKALOOSA ISLAND COVENANT AND RESTRICTIONS, UPDATING THE TIMING FOR BRINGING FORWARD A NUISANCE ABATEMENT PROCEEDING, DELETING AND RESERVING SECTION 11-614 TITLED “RELIEF”, AND CREATING ARTICLE VII TITLED “APPLICATION FOR SATISFACTION AND REDUCTION OF CODE ENFORCEMENT LIENS”; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Okaloosa County Code of Ordinances, Chapter 11, Article VI “Code Enforcement”, Section 11-607 establishes the functions, powers and authorities of the Okaloosa County Code Enforcement Board; and

WHEREAS, the County Commission directed staff to bring back revisions to the Code Enforcement Ordinance to: (1) eliminate the one-year waiting period for properties to go to the Board of consideration of a clean and lien when an outstanding nuisance is on the property; (2) further specify how relief may be sought by those wishing to satisfy a code enforcement lien at a reduced lien amount; and (3) address how Okaloosa Island covenants and restrictions are adjudicated; and

WHEREAS, the Board of County Commissioners finds that this Ordinance serves the public interest and is necessary and appropriate to protect the public health, safety, and welfare of the citizens of Okaloosa County.

NOW, THEREFORE, be it ordained by the Board of County Commissioners of Okaloosa County as follows:

Section 1. The Okaloosa County Code of Ordinances, Chapter 11, Section 11-607 “Code Enforcement Board” is hereby amended as follows (note strikethrough text indicates deletions, underline text indicates additions):

Section 11-607. Code Enforcement Board.

- (a) *Generally.* Pursuant to Chapter 162, Florida Statutes, there is hereby created a Code Enforcement Board of Okaloosa County, Florida, which shall consist of seven members appointed by the Board of County Commissioners. All members shall be residents of Okaloosa County and shall serve without compensation. While it shall be the duty of the

code enforcement board to hear alleged violations of the various County codes and ordinances and to decide appropriate remedial actions and penalties, no member of the code enforcement board shall have the power to bring an enforcement action to the code enforcement board.

- (b) *Membership.* The membership of the code enforcement board shall be made on the basis of experience or interest in the subject matters of the ordinances to be enforced and shall, whenever possible, include:
 - (1) An architect;
 - (2) A businessman;
 - (3) An engineer;
 - (4) A general contractor;
 - (5) A subcontractor;
 - (6) A realtor; and
 - (7) A citizen.
- (c) *Term of office.* Each term shall be for a period of three years. However, at the end of his or her term, a member shall continue to serve until re-appointed or the vacancy is filled. A member may be reappointed by the Board of County Commissioners for successive terms. Appointments to fill any vacancy on the code enforcement board shall be for the remainder of the unexpired term of office.
 - (1) If any member of the code enforcement board fails to attend two of three successive meetings without cause and without prior approval of the chairman, the code enforcement board may declare the member's office vacant, and the vacancy shall be filled by appointment by the board.
 - (2) Members of the code enforcement board may be suspended and removed from office by the Board of County Commissioners.
- (d) *Officers.* At the first meeting of the code enforcement board in each year, the members shall elect a chairman and a vice-chairman from among the board members. The presence of four or more members shall constitute a quorum of the code enforcement board necessary to take action.
- (e) *Meetings.* Regular meetings of the board shall occur as often as necessary. Special meetings of the code enforcement board may be convened by the chairman upon giving reasonable notice to each of the members of the board.
- (f) *Minutes and record-keeping.* Minutes, in summary form and not verbatim, shall be maintained of all meetings and hearings held by the code enforcement board, and all meetings, hearings, and proceedings shall be open to the public. The growth management department, as well as other departments as needed, shall provide clerical and administrative support to the code enforcement board as may be reasonably required for the proper performance of its duties. Such clerical and administrative support staff shall

be responsible for attesting to certified copies of all orders and other official documents of the code enforcement board.

(g) Jurisdiction. The code enforcement board shall have jurisdiction to hear and decide alleged violations of the following codes and ordinances in force throughout the unincorporated area of in the County and in those incorporated areas with which the County has entered into interlocal agreements granting enforcement authority to the County:

- (1) Okaloosa County Land Development Code (Ordinance No. 91-01, as amended);
- (2) Okaloosa County Construction Industry Licensing as provided in chapter 6 of the County code as may be amended;
- (3) Article III of chapter 11 of the County Code as adopted and as may be subsequently amended;
- (4) Building code requirements, building permits, and other permit requirements as provided in chapter 6 of the County Code as may be amended; and
- (5) The protective covenants and restrictions for Okaloosa Island as provided in chapter 75-456 of the Laws of Florida.
- (6) Section 21-65, nuisance vehicles, of article IV of chapter 21 of the Code of Ordinances of Okaloosa County, Florida.
- (7) The code enforcement board shall also hear appeals concerning interpretation of this article regarding construction matters with the exception of the fire code ordinance by any person aggrieved by any decision of the building official, planning official, or other administrative official. The procedure for the above appeals shall be as specified in section 11.02.06 of the Okaloosa County Land Development Code (Ordinance No. 91-01, as amended).

(h) Powers. The code enforcement board shall have the power conferred by Chapter 162, Florida Statutes, including the power to:

- (1) Adopt rules for the conduct of its hearings;
- (2) Subpoena alleged violators and witnesses to its hearings;
- (3) Subpoena records, surveys, plats, and other documentary evidence;
- (4) Take testimony under oath;
- (5) Establish and levy fines pursuant to section 11-606, above; and

- (6) Issue orders having the force of law to command whatever steps are necessary to bring a violation into compliance as provided in this article.
- (i) Conduct of hearings.
- (1) The chairman of the code enforcement board may call hearings of the board, and hearings may also be called by written notice, signed by at least three members of the code enforcement board. The code enforcement board, at any hearing, may set a future hearing date.
 - (2) Upon scheduling of a hearing, the code enforcement board shall cause notice to be furnished to the alleged violator. Such notice of hearing shall contain the date, time and place of the hearing and shall state the nature of the violation and reference to the appropriate code, ordinance or covenant.
 - (3) During the hearing, the burden of proof shall be upon the code enforcement officer to show by a preponderance of the evidence that a violation does exist.
 - (4) Once proper notice of the hearing has been provided to the alleged violator as provided in subsection (2) above, a hearing may proceed in the absence of the alleged violator.
 - (5) Each case before the code enforcement board shall be presented by the County attorney or by a member of the administrative staff of the County. If the County prevails in prosecuting a case before the code enforcement board, it shall be entitled to recover all cost incurred in prosecuting the case before the board and such cost may be included in the lien authorized.
 - (6) All testimony shall be under oath and shall be recorded. The code enforcement board shall take testimony from the code enforcement officer and alleged violator and from such other witnesses as may be called by the respective parties.
 - (7) Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern such proceedings.
 - (8) Irrelevant, immaterial, or unduly repetitious evidence shall be excluded, but all other evidence of a type commonly relied upon by reasonable prudent persons in the conduct of their affairs shall be admissible, whether or not such evidence would be admissible in a trial in the courts of the state.
 - (9) Any member of the code enforcement board, may inquire of any witness before the code enforcement board. The alleged violator, or his attorney, and the attorney representing the code enforcement officer shall be permitted to inquire of any witness before the code enforcement board and shall be permitted to present brief opening and closing statements.
- (j) Penalties, nuisance abatement assessments, and liens.

- (1) At the conclusion of the hearing, the code enforcement board shall issue findings of fact based on evidence in the record and conclusions of law, and shall issue an order affording the proper relief consistent with the powers granted by Chapter 162, Florida Statutes, and by this article, including the assessment of fines and penalties according to the schedule provided in section 11-606, above. The order shall be stated orally at the meeting and shall be reduced to writing and mailed to the alleged violator within ten working days after the hearing. The finding shall be by motion, approved by a majority of those present and voting; provided, however, that at least four members of the code enforcement board must vote in order for the action to be official. To expedite delivery of the order, the code enforcement supervisor or growth management director are authorized to sign the order. In cases involving Okaloosa Island leases and covenants, ~~the findings of fact shall be sent to the Board of County Commissioners as a recommendation for action by the Board of County Commissioners~~ the authority to adjudicate such matters is expressly delegated to the code enforcement board. Any action taken by the code enforcement board related to findings of violations of the Okaloosa Island lease and covenants shall be considered final agency action.
- (2) The code enforcement board, upon finding that a previous order of the code enforcement board has not been complied with by the time set, or upon finding that a repeat violation has been committed, may order (1) in the case of a first violation, the violator to pay a fine in an amount not to exceed \$250.00 for each day the violation continues past the date set by the code enforcement board's order for compliance for a first violation, or (2) in the case of a repeat violation as defined in Section 162.04(5), Florida Statutes, a fine in an amount not to exceed \$500.00 for each day the violation continues past the date of notice to the violator of the repeat violation. In addition, if the violation is as described in Section 162.06(4), Florida Statutes, the code enforcement board shall notify the Board of County Commissioners which may, at its sole discretion, make or cause to be made all reasonable repairs which are required to bring the property into compliance and charge the violator with the reasonable cost of the repairs along with the fine imposed pursuant to this division. If a finding of a violation or a repeat violation has been made as provided in this part, a hearing shall not be necessary for the issuance of the order imposing the fine. If, after due notice and public hearing the code enforcement board finds the violation to be irreparable or irreversible in nature, it may impose a fine not to exceed \$5,000.00 per violation.
- (3) A certified copy of an order imposing a fine shall be recorded in the public records of Okaloosa County and, thereafter, shall constitute a lien against the land on which the violation exists or upon any other real or personal property owned by the violator; and it may be enforced in the same manner as a court judgment by the sheriff, including levy against the personal property, but shall not be deemed to be a judgment of a court except for enforcement purposes. If, after three months from the filing of any such lien, the lien remains unpaid, the code enforcement board may petition the Board of County Commissioners to authorize and direct the County attorney to foreclose on the lien or sue for a monetary judgment. Nothing in this section shall abridge the constitutional or statutory protection extended to homestead property. In the case of Okaloosa Island,

for a continuing violation of a lease agreement or a covenant, as determined by the code enforcement board may recommend to the Board of County Commissioners that the lease between the leaseholder and the County shall be considered null and void and the property shall revert back to the County.

(4) Nuisance abatement assessments.

a. The County is hereby authorized to impose nuisance abatement assessments against properties in violation of the Okaloosa County Code of Ordinances that require the County to perform any work necessary to bring the property into compliance. Any costs incurred by the County, including all actual, administrative, and collection costs, may be assessed against the property as a special assessment pursuant to Florida law and, if not paid, may be collected as provided in this article and Florida Law. Under no circumstances shall any fines or penalties be included in such special assessment.

1. When, in the opinion of a code enforcement officer, there is a violation that presents a serious threat to public health, safety or welfare, the code enforcement officer shall provide the owner with a written notice of violation ordering the owner to perform the necessary work to cure the violation within a specified time not to exceed ten days. The notice shall provide the process through which the property owner can appeal the issuance of the notice, and shall specifically state that the property owner has ten days from the issue date of the notice within which to request the appeal.
2. In the event the owner fails to perform the necessary work or fails to contest the code enforcement officer's notice within the ten-day period, the matter shall be placed on the agenda of the next available meeting of the code enforcement board which will consider the facts and determine whether it wishes to recommend that the Board of County Commissioners take action to abate the violation(s) and utilize the nuisance abatement assessment process. In the event the code enforcement board does not send the issue to the Board of County Commissioners and utilize the nuisance abatement assessment process, it may pursue abatement of the violation(s) by the other methods as provided in this article. If the code enforcement board votes to forward the issue to the Board of County Commissioners, the matter shall be placed on the agenda of the next available, regularly-scheduled meeting. After consideration of the facts presented during the meeting, the Board of County Commissioners may authorize a designee, including a properly procured private contractor, to go upon the premises and perform the necessary work to abate the violation. Costs incurred in the

performance of necessary work shall initially be paid by the County. The County's costs of performing the necessary work, including all actual, administrative, and collection costs, may be assessed against the property as provided in this article, Section 197.3632, Florida Statutes, or any other method approved by the board.

3. A notice of the special assessment shall be provided to the property owner by certified mail return receipt requested at the address on record with the Okaloosa County Property Appraiser's office specifying: (1) the violation that was repaired or abated, (2) the address and parcel identification number of the property, (3) the actual cost of the repair or abatement, (4) the amount of administrative costs, (5) a statement that if not paid in full or an appeal is not filed in writing with the County administration office within 30 days, a lien shall be recorded against the property, which lien shall be equal in rank and dignity with the liens of all state, County, district, or municipal taxes and special assessments, and (6) the date by which the cost of the repair or abatement must be paid. The only issue to be determined on appeal is whether or not the costs in the notice are the actual costs incurred by the County and/or if the notice describes the proper property and owners.
4. If not appealed or paid after 30 days of the notice, a final notice meeting the requirement outlined in subparagraph (c) above, shall be provided to the property owner. The final notice may be mailed by first class mail.
5. If not paid after 30 days of the final notice, the County shall annually follow the procedures outlined in Section 197.3632, Florida Statutes, to collect the actual costs of repairs or abatements, plus reasonable administrative and collection costs as a non-ad valorem assessment. In addition, a claim of lien for special assessment shall be recorded in the official records of Okaloosa County. The lien created shall be equal in rank and dignity with the liens of all state, County, district, or municipal taxes and special assessments. The lien created hereby shall accrue from date of repair or abatement at an interest rate equal to the amount of interest payable on a judgment lien pursuant to Section 55.03, Florida Statutes, as it may be amended from time to time, until such time as the costs of repair or abatement are placed on the assessment roll. The lien created hereby shall bear, on its face, the rate of interest that is payable on the lien. The failure to bear the rate of interest on the lien shall not invalidate

the lien. The rate of interest shall be established on the date the violation is repaired or abated by the County.

- b. In order to eliminate blight and help preserve property values, the code enforcement board is also authorized to recommend to the Board of County Commissioners abatement and the imposition of nuisance abatement assessments to facilitate the remediation of violations other than those meeting the criteria of Section 162.04(5), Florida Statutes, that have remained unremediated ~~for a period of 12 months or longer from the date of the past the abatement period expressly provided for within the code enforcement board's initial order.~~ The process for the imposition and execution of nuisance abatement assessments for violations as described herein shall be as provided in this article. The decision whether to impose a nuisance abatement assessment shall be at the sole discretion of the Board of County Commissioners.

Section 2. The Okaloosa County Code of Ordinances, Chapter 11, Section 11-614 “Relief” is hereby amended as follows (note strikethrough text indicates deletions, underline text indicates additions):

Section 11-614. ~~Relief.~~ Reserved.

~~Respondents shall be entitled to a hearing in front of the code enforcement board for the purpose of receiving relief from enforcement in cases where a hardship or special conditions exist as determined by the board. A fee to be determined to cover the cost of this action should be charged for such hearing. No fees shall be assessed if the case is dismissed.~~

Section 3. The Okaloosa County Code of Ordinances, Chapter 11, is hereby amended to create Article VII titled “Application For Satisfaction and Reduction of Code Enforcement Liens” as follows:

Article VII - APPLICATION FOR SATISFACTION AND REDUCTION OF CODE ENFORCEMENT LIENS

Section 11 - 615 - Application for satisfaction of code enforcement liens.

Where a certified copy of an order imposing a penalty or fine relating to a County code enforcement board case has been recorded in the public records and has become a lien against the land or property of a property owner, such property owner may apply for a satisfaction of such lien as follows:

- (1) No application may be made for the satisfaction of a code enforcement lien unless and until the property which is the subject of the lien is in full compliance with this Code, as confirmed by the affidavit of a County code enforcement officer.

- (2) The property owner seeking a satisfaction of the code enforcement lien must file an application with the County administrator, or a designee, which shall include full payment by the property owner of all fines, administrative charges and other penalties, and any interest imposed by the code enforcement board or sufficient evidence documenting that such payment has been received by the County.
- (3) Once the County administrator, or a designee, has confirmed receipt of full payment by the property owner of all fines, administrative charges, and any interest imposed by the code enforcement board, the County administrator, or a designee, is hereby authorized to execute, and record a satisfaction of the code enforcement lien in the public records of the County.

Section 11 - 616 - Application for reduction of code enforcement liens.

Where a certified copy of an order imposing a penalty or fine relating to a code enforcement board case has been recorded in the public records and has become a lien against the land or property of the property owner and such property is currently in full compliance with this Code, as confirmed by a County code enforcement officer, the property owner may apply for a reduction of such lien amount as follows:

(1) The property owner seeking reduction of a code enforcement lien must file an application with the County administrator, or a designee. The application shall include:

(a) Payment of an application fee for processing the application;

(b) A copy of the order imposing fines upon the property;

(c) The code enforcement case number;

(d) The date upon which the property owner brought the subject property into compliance with this Code;

(e) The factual circumstances upon which the property owner believes the application for reduction of the lien should be granted;

(f) The amount of the reduction in the lien being sought; and

(g) The sworn and notarized signature of the applicant.

(2) Upon receipt of a complete application for reduction of a code enforcement lien and the required application fee a code enforcement officer shall conduct an inspection and confirm that the property in violation of this Code which resulted in the imposition of the lien has been brought into compliance and remains in full compliance with the Code. The County administrator, or a designee, shall also forward a copy of the application and any relevant back-up materials to the code enforcement board which shall provide the Board of County Commissioners with comments and a recommendation on the application.

(3) Following review of an application for lien reduction by the code enforcement board, the County administrator, or a designee, shall forward the application along with the recommendation and comments of the code enforcement board to the Board of County Commissioners. The Board of County Commissioners shall not grant any request for lien reduction unless it finds the applicant has met at least one of the following standards:

(a) The applicant was not the owner at the time of the violation and the applicant remedied the Code violation on the property within a reasonable time after taking ownership of the property. In determining what constitutes a reasonable amount of time, the board may consider the severity of the violation, whether the violation pertained to a dangerous condition, the cost and labor involved in rectifying the violation, and other relevant factors. If the owner of the property at the time of the violation possesses an option or other instrument that would allow them to reacquire the property at any time, the applicant shall not be eligible to receive a lien reduction unless they can demonstrate the existence of exigent circumstances, as provided in subsection (b) below.

(b) The applicant can demonstrate the existence of exigent circumstances at the time of the violation that prevented timely compliance with the order of the code enforcement board. Exigent circumstances are pressing or demanding conditions that would prevent a reasonable person from being able to timely remedy the Code violation in compliance with the order of the code enforcement board.

(c) The applicant has identified a legal deficiency in the code enforcement process or the lien which could render the lien unenforceable, and the County attorney concurs in this recommendation.

(4) If the Board of County Commissioners determines that an applicant has satisfied one of the standards contained in subsection (3), the Board of County Commissioners may consider the following factors in determining the extent to which the lien may be reduced.

(a) Except in the case of an unenforceable lien as provided in subsection (3)(c) above, no lien shall be reduced to less than the amount of the County's administrative and actual costs incurred by the County in connection with the prosecution and administration of the case and any funds expended by the County to mitigate any violations or safeguard the property, plus 20 percent said total administrative and actual costs.

(b) The severity of the code enforcement violation and whether it involved the existence of a condition dangerous to the health, safety, and welfare of the citizens of the County.

(c) Whether the code enforcement violation was a repeat violation by the applicant of the same or a different County ordinance, whether or not on the same property.

(d) The duration of the code enforcement violation.

(e) Whether the applicant has previously applied for lien reduction requests on the same or other property.

(f) Whether the County holds unsatisfied liens on other property owned by the same property owner.

(5) A lien reduction approved by the Board of County Commissioners shall be valid for a period of 60 days after board approval. If the reduced lien amount is not satisfied in accordance with the provisions of Section 11-615 within 60 days of approval by the Board of County Commissioners, the full amount of the lien will immediately and without further action by the Board of County Commissioners become due and owing to the County.

Section 4. CODIFICATION. It is the intent of the Okaloosa County Board of County Commissioners that the provisions of this ordinance shall be codified. The codifier is granted broad and liberal authority in codifying the provisions of this Ordinance.

Section 5. SEVERABILITY. If any section, sentence, phrase, word or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

Section 6. CONFLICTS. In any case where a provision of this Ordinance is found to be in conflict with a provision of any other ordinance of the County, the provision which establishes the higher standards for the promotion and protection of the health and safety of the people shall prevail.

Section 7. EFFECTIVE DATE. This Ordinance shall be filed with the Secretary of State within ten (10) days of adoption and shall become effective upon filing.

PASSED AND ADOPTED in Regular Session this ___ day of _____, 2023.

BOARD OF COUNTY COMMISSIONERS
OF OKALOOSA COUNTY

Robert A. “Trey” Goodwin, III, Chairman

ATTEST:

J.D. Peacock II, Clerk

APPROVED AS TO FORM:

Lynn M. Hoshihara, County Attorney

NOTICE OF INTENTION TO ADOPT ORDINANCE

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of Okaloosa County, Florida, on October 17, 2023 at 8:30 a.m. CST, or soon thereafter, at the County Commissioners Chambers, in the Okaloosa County Administration Building at 1250 N. Eglin Parkway, Shalimar, Florida 32579, first floor, will consider adopting an ordinance, the title and substance of said proposed ordinance being:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF OKALOOSA COUNTY, FLORIDA; AMENDING CHAPTER 11, ARTICLE VI “CODE ENFORCEMENT” SECTION 11-607 “CODE ENFORCEMENT BOARD”, REVISING THE ENFORCEMENT PROCEDURES RELATED TO OKALOOSA ISLAND COVENANT AND RESTRICTIONS, UPDATING THE TIMING FOR BRINGING FORWARD A NUISANCE ABATEMENT PROCEEDING, DELETING AND RESERVING SECTION 11-614 TITLED “RELIEF”, AND CREATING ARTICLE VII TITLED “APPLICATION FOR SATISFACTION AND REDUCTION OF CODE ENFORCEMENT LIENS”; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

ALL INTERESTED PERSONS ARE INVITED TO ATTEND AND BE HEARD.

The proposed ordinance may be inspected by the public at the Office of the Okaloosa County Clerk of Court, located at the Newman C. Brackin Building, 302 N. Wilson St., Crestview, FL 32536, 850-689-5000 or at the County Commissioner’s Office, located at 1250 N. Eglin Pkwy, Suite 100, Shalimar, FL, 850-651-7515.

If any person decides to appeal any decision made with respect to any matter considered at this hearing, such person will need a record of the proceeding and may need to ensure that a verbatim record of the proceeding is made which record includes the testimony and evidence upon which the appeal is to be based.

Okaloosa County adheres to the American Disabilities Act and will make reasonable modifications for access to these hearings upon request. Requests may

be made to the County Commissioner's office described above and must be made at least 48 hours in advance of the hearing in order to provide the requested service.

RESOLUTION NO. 23 - ____

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF OKALOOSA COUNTY; ESTABLISHING AN APPLICATION FEE FOR AN APPLICATION FOR SATISFACTION AND REDUCTION OF CODE ENFORCEMENT LIENS WITHIN THE UNINCORPORATED AREAS OF OKALOOSA COUNTY; REPEALING AND SUPERSEDING PRIOR AND CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Okaloosa County Board of County Commissioners (“Board”) has duly adopted Okaloosa County Code, Chapter 11, Article VII, relating to the application process for reduction of code enforcement liens; and

WHEREAS, Chapter 11, Article VII, Section 11-616 of the County Code provides for an application fee to be charged by the County to applicants requesting reduction of code enforcement liens; and

WHEREAS, the Board has reviewed staff reports, budgetary and such other information as needed to ensure that the fees adopted are fair and equitable to applicants; and

WHEREAS, the Board finds that it is in the best interest of the County to establish revised an application fee for processing of a reduction of code enforcement lien request.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF OKALOOSA COUNTY, FLORIDA:

SECTION 1. Adoption of Fee Schedule.

The Board hereby adopts an application fee for applications requesting a reduction of code enforcement liens pursuant to Chapter 11, Article VII, Section 11-616. The application fee shall be \$ 120.00.

SECTION 2. All prior and conflicting resolutions.

All prior conflicting resolutions, shall be repealed, rescinded, superseded and replaced by this resolution.

SECTION 3. Effective Date.

This resolution shall be effective immediately upon adoption.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF OKALOOSA COUNTY, FLORIDA, THIS 17th DAY OF OCTOBER, 2023.

BOARD OF COUNTY COMMISSIONERS
OKALOOSA COUNTY, FLORIDA

By: _____
Robert A. "Trey" Goodwin III, Chairman

ATTEST:

By: _____
J. D. Peacock, II, Clerk

APPROVED AS TO FORM:

By: _____
Lynn M. Hoshihara, County Attorney