

## Horst, Rachel

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**From:** CEER@brevardfl.gov  
**Sent:** Monday, January 12, 2026 11:38 AM  
**To:** Horst, Rachel  
**Subject:** A new CEER Recommendation has been submitted as ID #2026022

### Recommendation # 2026022

Dear CEER Administrator,

Speak Up Brevard Recommendation ID #2026022 has been submitted. Please login to the CEER Application to start the recommendation evaluation workflow.

#### Contact Information:

##### Group/Organization

**Name** Lesa Hersom  
**Address** 3365 tarragon st, Cocoa FL 32926  
**Phone** (321) 684-1969  
**Email** Ramonerubin1@gmail.com  
**Alternate Email**

#### Recommendation Information:

**Recommendation ID** 2026022  
**Recommendation Title** Enforcement residential being used commercial  
**Areas Affected** Canaveral groves  
**Department Affected**  
**Current problem** residents in Canaveral groves running multiple commercial businesses in residential areas , multiple families doing together, very inconsiderate of neighbors quiet enjoyment , creating noise, more street traffic , transient activity ,extra trash disposal, dangerous hazardous environmental pollution and waste that can cause health issues quite frankly ,burning of non lawn waste , lack of permits, seems to b issue not addressed, it's understood apparently that it is allowed, so it continues and seems out of control in my opinion.  
**Recommendation** Recommendation would b informing residents perhaps newsletter to all residents in Canaveral groves that running businesses in residential areas is unlawful, inconsiderate , hazardous and people pay alot of taxes to not live in commercial areas, explain the reasons to residents , explain what it causes , explain which areas are commercial etc ,,another way would b to have county patrol for period of time to deter behavior , Another suggestion would b hotline for residents to b able to inform county anonymously which is safer in this day and age , unfortunately with lawfare ,tensions that can arise when suggesting residents follow laws.

**Attachments**

No Documents were attached.

Please do not reply to this e-mail, as it will go to an unmonitored mailbox.

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Planning & Development Department  
2725 Judge Fran Jamieson Way  
Building A, Room 114  
Viera, Florida 32940

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TO: James P. Liesenfelt, County Manager  
THRU: Tad Calkins, Assistant County Manager  
FROM: Billy Prasad, Planning and Development Director  
**SUBJECT:** Citizen Efficiency and Effectiveness Recommendation #2026022

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CEER #2026022, titled Enforcement residential being used commercial, was received by the County from Lesa Hersom.

**Citizen Statement:**

“residents in Canaveral groves running multiple commercial businesses in residential areas , multiple families doing together, very inconsiderate of neighbors quiet enjoyment , creating noise, more street traffic , transient activity ,extra trash disposal, dangerous hazardous environmental pollution and waste that can cause health issues quite frankly ,burning of non lawn waste , lack of permits, seems to b issue not addressed, it’s understood apparently that it is allowed, so it continues and seems out of control in my opinion.”

**Citizen Recommendation:**

“Recommendation would b informing residents perhaps newsletter to all residents in Canaveral groves that running businesses in residential areas is unlawful, inconsiderate , hazardous and people pay alot of taxes to not live in commercial areas, explain the reasons to residents , explain what it causes , explain which areas are commercial etc ,,another way would b to have county patrol for period of time to deter behavior ,”

“Another suggestion would b hotline for residents to b able to inform county anonymously which is safer in this day and age , unfortunately with lawfare ,tensions that can arise when suggesting residents follow laws.”

**Staff Analysis:**

Florida Statute Section 559.955 (enacted via HB 403 in 2021) protects the right to operate a home-based business in residential areas. It prohibits local governments from enacting discriminatory regulations, restricting businesses based on zoning, or requiring special permits,



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provided the business remains secondary to the home's residential use, generates minimal noise/traffic, and complies with applicable local business taxes.

**Key Aspects of the Florida Statute Section 559.955, entitled "Home based businesses; local government restrictions":**

- **Zoning Protections:** Local governments cannot prohibit a home-based business from operating in a residential zone.
- **Operational Limits:** Activities must be secondary to the home's primary residential use.
- **Noise/Traffic/Odors:** The business cannot create, for example, excessive noise, fumes, vibrations, or traffic/parking that violates local residential standards.
- **Employees:** The business may have employees, though some local jurisdictions may limit this to roughly two, depending on specific ordinances.
- **Restrictions on Local Government:** Local governments are prohibited from treating home-based businesses differently than other commercial businesses in terms of licensing or regulation.
- **Visibility:** The business must not have visible evidence of operation (such as storage or large signs) from the street.
- **Applicable Taxes:** Businesses are still subject to applicable local business taxes.

As of July 1, 2021, due to a change in the law, Brevard County, FL, does not accept or investigate anonymous code enforcement complaints, requiring complainants to provide their name and address.

Pursuant to Florida Statute Section 162.21 (b):

"A code enforcement officer may not initiate an investigation of a potential violation of a duly enacted code or ordinance by way of an anonymous complaint. A person who reports a potential violation of a code or an ordinance must provide his or her name and address to the respective local government before an investigation may occur. This paragraph does not apply if the code enforcement officer has reason to believe that the violation presents an imminent threat to public health, safety, or welfare or imminent destruction of habitat or sensitive resources."



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### Key Details on Brevard County Code Complaints:

- **Legal Basis:** Florida Statute 162.21 (and 125.69) prohibits code inspectors from initiating investigations based on anonymous complaints.
- **Exception:** If a complaint alleges an immediate threat to safety or the environment, it may be investigated without complainant identification.
- **How to Report:** Complaints can be filed via the [Brevard County Government website](#), which requires contact information for the reporter.
- **Unlicensed Contracting:** An exception exists for reporting unlicensed contracting/work, where anonymous complaints may be accepted.
- **Records:** Complaints are considered public records.

Upon reviewing the CEER and the applicable Florida State Statutes, there are monuments in place prohibiting the actions requested, such as allowing anonymous complaints. Florida Statute Section 162.21 prevents anonymous complaints being made for code violations unless the violations create a well-founded health/safety concern.

In addition, while the suggestion of a newsletter is appreciated, it would only add an additional step that would likely lead to allowing more time before traditional investigation and enforcement of those cases where a formal complaint has been received, and taking no action for those of which we do not have a named complaint. Brevard County Code and Contractor Compliance do send out courtesy notices in neighborhoods in certain circumstances as an educational measure (for example, addressing business signage in the rights-of-way) where there has been a demonstrated pattern of non-compliance, but in this case it may not have the intended effect. As part of a newsletter regarding home-based business, staff would include information on what *is* permitted in addition to what is not permitted; as such, it may have the effect of causing a proliferation of home-based businesses in the area.

As detailed above, Florida Statute Section 559.955 allows for home-based business under specific criteria, most important to that criterion is no visible evidence of its operation as well as the restriction of no additional noise and traffic.

Fortunately, there is a remedy available for citizens to have their concerns for valid violations investigated, and it is to make a formal complaint. The formal complaint does allow Brevard County Contractor and Code Compliance to pursue the violations described, such as noise and



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pollutants caused by businesses in violation of zoning as well as unpermitted structures, which result in impact on the quality of life for the affected residents.

**Staff Recommended Action:**

It is recommended the Board of County Commissioners reject CEER #2026022 because it is inconsistent with State law as outlined in the staff analysis.