

City of Safety Harbor
Business Impact Estimate

Proposed ordinance's title/reference:

ORDINANCE NO. 2023-10

AN ORDINANCE OF THE CITY OF SAFETY HARBOR, FLORIDA, ANNEXING CERTAIN PROPERTY LOCATED AT 3339 IRWIN STREET EAST, SAFETY HARBOR, FLORIDA INTO THE CORPORATE LIMITS OF THE CITY; PROVIDING FOR PUBLICATION IN ACCORDANCE WITH THE REQUIREMENTS OF LAW; AND PROVIDING FOR AN EFFECTIVE DATE

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes.

Question 1. Does the proposed ordinance meet one or more of the exceptions listed below? If so, then please check the applicable exception below and move to Question 2. If one or more boxes are checked below, this means the City is of the view that a business impact estimate is not required by section 166.041(4), Florida Statutes, for the proposed ordinance. If there is no applicable exception, proceed with completing the business impact estimate at Question 3.

- 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;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
 - c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
 - d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

Question 2. Based on the exception you selected above and in accordance with the provisions of the controlling law, please provide an explanation below of why the ordinance meets the exception(s).

N/A

Question 3. If there is no applicable exception, proceed with completing the below Business Impact Estimate. In accordance, the City hereby publishes the following information:

A. Summary of the proposed ordinance (must include a statement of the public purpose to be served by the proposed ordinance, such as serving the public health, safety, morals and welfare of the City):

Ordinance No. 2023-10 is an ordinance to annex 3339 Irwin Street East into the City of Safety Harbor

B. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City, including the following, if any:

(1) An estimate of direct compliance costs that businesses may reasonably incur if the ordinance is enacted;

\$ 0

(2) Identification of any new charge or fee on businesses subject to the proposed ordinance, or for which businesses will be financially responsible; and

\$ 0

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

\$ 0

(4) Any other direct economic impacts of the proposed ordinance on private, for-profit businesses in the City that are not covered by (1), (2), or (3):

N/A

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

N/A

D. Additional information the governing body deems useful (what steps did the City take to answer A, B, and C?):

N/A



Date: September 27, 2023
To: Mark LeCouris, City Manager
From: Karen Lemmons, Economic Development Manager

Agenda Item: **Ordinance 2023-21**
Business Impact Estimate

The State Legislature in 2023 passed CS/SB 170 which requires counties and cities to produce a “business impact estimate” prior to passing an ordinance, with exceptions. The estimate must be published on the local government’s website and include certain information, such as the proposed ordinance’s purpose, estimated economic impact on businesses, and compliance costs. The bill specifies that this requirement is not to be construed to require a county or city to procure an accountant or other financial consultant in preparing the estimate.

Summary of Proposed Ordinance and Public Purpose.

An Ordinance of the City of Tarpon Springs, Florida changing the use of a portion of an existing park facility located at the southeast corner of N. Safford Avenue and Live Oak Street (802 N. Safford Ave.) from greenspace to pickleball courts in accordance with Section 8 of Charter of the City of Tarpon Springs; and providing for the effective date of this ordinance. The Ordinance serves a public purpose by providing municipal pickleball courts to the public.

Estimate of the Direct Economic Impact of the Proposed Ordinance on Private For-Profit Businesses in the City.

No privately-owned pickleball courts currently operate in the City so there is no direct competition which would negatively impact businesses. The economic impact of the proposed ordinance should be positive as players may opt to dine and/or visit local shops prior to or following play. Players unfamiliar with the City may choose to return for shopping, dining, or visiting tourist attractions. Players may purchase clothing and equipment at local stores. The City Recreation Department currently manages three indoor pickleball courts which attract 80 players a week. Assuming four outdoor pickleball courts are constructed, the City can reasonably expect 106 players per week, and this could increase if tournaments were held. Day visitors to the City spend \$107.38 per party per day on restaurant, retail, and other spending, according to a 2016 Economic Impact Study. Based on these figures, the project could have a positive economic impact of \$11,382 per week to for-profit businesses.

There are no direct compliance costs for businesses. There are no charges or fees. There are no identified regulatory costs.

Good Faith Estimate of Number of Businesses Likely Impacted.

The project location is at the gateway to the Sponge Docks, the City’s primary tourist destination, and less than 1 mile from Downtown. There are approximately 150 businesses located around the Sponge Docks and Downtown areas, including boutiques, gift shops, restaurants, breweries, cafes, and tourist and entertainment attractions, all within walking distance of the project location. It is reasonable that players could visit any of these businesses, therefore the City estimates that up to 150 businesses are likely to be positively impacted.

Business Impact Estimate Guidance and Form

Last Updated September 13, 2023

Background

- CS/SB 170 <https://www.flsenate.gov/Committees/BillSummaries/2023/html/2933> requires local governments to produce a “Business Impact Estimate” prior to passing an ordinance that does not qualify for an exemption.
- The business impact estimate must include certain information, such as the proposed ordinance’s purpose, estimated economic impact on businesses, and regulatory costs.
- The business impact estimate must be posted on the local government’s website at least ten days before the public hearing for the proposed ordinance. However, if the legal notice for the proposed ordinance is published earlier than ten days before the public hearing, the business impact estimate must be posted on the day that the legal notice is published or earlier.

Process

1. Before Legistar review for an Ordinance is initiated, complete the Exemption Checklist directly below.
2. If an Exemption does apply, cite the Exemption(s) in the Legistar Staff Report (under “Recommended Action”); no further action is needed and do not advance to Step 3. If an Exemption does not apply, advance to Step 3.
3. Alert Board Records and Communications that a Business Impact Estimate is being prepared. Then complete the Business Impact Estimate Form on Page 2.
4. Attach the completed Business Impact Estimate to the Legistar File. Ensure that OMB is on the Legistar review sequence. Then Legistar review may be initiated.
5. After Legistar review is completed, promptly forward the approved Business Impact Estimate to Board Records and Communications. Board Records and Communications must receive the Business Impact Estimate at least fifteen days before the public hearing for the Ordinance.

Exemption Checklist (see F.S. § 125.66(3)(c)):

** If one or more boxes is checked below, a business impact estimate is not legally required. If no boxes are checked below, a business impact estimate is legally required. Please consult with the CAO if you are uncertain whether a box should be checked.*

- The Ordinance is required for compliance with Federal or State law or regulation;
- The Ordinance relates to the issuance or refinancing of debt;
- The Ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The 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 County;
- The Ordinance is an emergency ordinance;
- The Ordinance relates to procurement; or
- The Ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, Florida Statutes (F.S.), relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. F.S. §§ 190.005 and 190.046 (regarding community development districts)
 - c. F.S. § 553.73, relating to the Florida Building Code; or
 - d. F.S. § 633.202, relating to the Florida Fire Prevention Code.

Business Impact Estimate Form (see F.S. § 125.66(3)(a))

For:

[Full Title of Ordinance]

[This Ordinance is scheduled to be considered for adoption by the Pinellas County Commission on [date] and [time] at [location].]

** Unless an attachment is expressly referenced, the content in this Form encompasses the entire Business Impact Estimate for the Ordinance.*

1. Summary of the Ordinance, including a statement of the public purpose to be served by the Ordinance, such as serving the public health, safety, morals, and welfare of the County: *[This Section does not need to be lengthy. The Recitals (“WHEREAS” Clauses), or the “Purpose” or “Legislative Intent” Sections of the Ordinance, may be helpful to reference.]*

2. An estimate of the direct economic impact of the Ordinance on private, for-profit businesses in the County, including the following, if any:

(a) An estimate of direct compliance costs that businesses may reasonably incur if the Ordinance is enacted; *[Because many ordinances do not require that direct costs be incurred for compliance, this estimate will often be “zero dollars.” Generally speaking, direct costs are clearly connected to a specific objective and readily ascertainable.]*

(b) Identification of any new charge or fee on businesses subject to the Ordinance for which businesses will be financially responsible; *[Because many ordinances do not result in the levy of any new charges or fees on businesses, there will often be nothing to identify here.]* and

(c) An estimate of the County’s regulatory costs, including estimated revenues from any new charges or fees that will be imposed on businesses to cover such costs. *[Because many ordinances entail regulatory costs, an estimate will often be warranted here. For example, the County may incur costs for any number of the following factors: implementation, outreach, construction/maintenance, monitoring, enforcement, and procurement. However, the estimate must only account for direct costs (briefly described above).]*

3. A good faith estimate of the number of businesses likely to be impacted by the Proposed Ordinance: *[This Section is self-explanatory: All that is required is a good faith estimate of the number (note: not costs) of businesses likely to be impacted.]*

4. Any additional information the BCC deems useful: *[This Section is not legally required.]*

**CERTIFICATE OF COMPLIANCE WITH
SECTION 166.041(4), FLORIDA STATUTES**

This certificate of compliance with Section 166.041(4), Florida Statutes, concerns the proposed ordinance of the City of St. Petersburg, Florida, that can be described as follows:

First amendmenet to an existing Development Agreement.

Based on a review of that proposed ordinance:

- The City has determined that the statutory exemption(s) identified below apply to the proposed ordinance, and no Business Impact Estimate has been prepared.
- The City has determined that the statutory exemption(s) identified below apply to the proposed ordinance. The City is, nevertheless, providing the Business Impact Estimate below as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance.
- The City has prepared a Business Impact Estimate Pursuant to Section 166.041(4), Florida Statutes.

EXEMPTIONS

If one or more boxes are checked below, this means the City is of the view that a business impact estimate is not required by state law for the proposed ordinance:

- 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;
- The ordinance relates to procurement; or

- The proposed ordinance is enacted to implement the following:
 - Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
 - Section 553.73, Florida Statutes, relating to the Florida Building Code; or
 - Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

BUSINESS IMPACT ESTIMATE

The City provides the following Business Impact Estimate, which may be revised following its initial posting:

- 1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):**

Supports the public purpose of health, safety, and welfare.
- 2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City, if any:**
 - (a) An estimate of direct compliance costs that businesses may reasonably incur;**

It is a development agreement in support of private housing and industrial development that will reduce the economic burden of the associated party.
 - (b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and**

none
 - (c) An estimate of the City's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.**

none

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

Supports once corporation directly.

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

Click or tap here to enter text.

**CERTIFICATE OF COMPLIANCE WITH
SECTION 166.041(4), FLORIDA STATUTES**

This certificate of compliance with Section 166.041(4), Florida Statutes, concerns the proposed ordinance of the City of St. Petersburg, Florida, that can be described as follows:

Click or tap here to enter text.

Based on a review of that proposed ordinance:

- The City has determined that the statutory exemption(s) identified below apply to the proposed ordinance, and no Business Impact Estimate has been prepared.
- The City has determined that the statutory exemption(s) identified below apply to the proposed ordinance. The City is, nevertheless, providing the Business Impact Estimate below as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance.
- The City has prepared a Business Impact Estimate Pursuant to Section 166.041(4), Florida Statutes.

EXEMPTIONS

If one or more boxes are checked below, this means the City is of the view that a business impact estimate is not required by state law for the proposed ordinance:

- 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;
- The ordinance relates to procurement; or

- The proposed ordinance is enacted to implement the following:
 - Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
 - Section 553.73, Florida Statutes, relating to the Florida Building Code; or
 - Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

BUSINESS IMPACT ESTIMATE

The City provides the following Business Impact Estimate, which may be revised following its initial posting:

- 1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):**

Click or tap here to enter text.
- 2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City, if any:**
 - (a) An estimate of direct compliance costs that businesses may reasonably incur;**

Click or tap here to enter text.
 - (b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and**

Click or tap here to enter text.
 - (c) An estimate of the City's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.**

Click or tap here to enter text.

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

Click or tap here to enter text.

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

Click or tap here to enter text.

Tips for completing the Certificate of Compliance with Section 166.041(4) regarding the Business Impact Estimate (BIE)

Language from the Certificate of Compliance in **Bold**.

1. As required by law, the completed BIE must be placed on the City's website at least one day prior to the ad being published in the Times. A good, recommended practice would be to submit the BIE to marketing at the same time you submit the ordinance title to the Clerk for publishing.
2. Place the title of the ordinance in the section below. If you have the ordinance number from the clerk, include that as well.

This certificate of compliance with Section 166.041(4), Florida Statutes, concerns the proposed ordinance of the City of St. Petersburg, Florida, that can be described as follows:

3. One of the following boxes must always be checked.

Based on a review of that proposed ordinance:

- The City has determined that the statutory exemption(s) identified below apply to the proposed ordinance, and no Business Impact Estimate has been prepared.**
 - The City has determined that the statutory exemption(s) identified below apply to the proposed ordinance. The City is, nevertheless, providing the Business Impact Estimate below as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance.**
 - The City has prepared a Business Impact Estimate Pursuant to Section 166.041(4), Florida Statutes.**
4. **EXEMPTIONS.** Read through each of the exemption categories carefully and choose all that may apply. If the ordinance qualifies for an exemption, check the first box in #3 above. If you are uncertain about whether an exemption applies or Administration or Council has otherwise indicated that a BIE should be performed, check the second box in #3 above and complete the BIE. If only a part of an ordinance is subject to an exemption and some sections are not, complete a BIE for the ordinance as a whole. For example, an ordinance dealing with domestic and commercial equipment may change code language for the definition of domestic equipment and parking in the right of way regulations. The definition is found in Chapter 16, and is exempt as land development regulations. The right of way regulations are found in Chapter 26 and do not fall under any exemption. The BIE should analyze and consider the ordinance as a whole.
 5. If no exemptions apply, choose the third option [*The City has prepared a Business Impact Estimate Pursuant to Section 166.041(4), Florida Statutes*] and complete the BIE.

6. In the following section, provide information similar to what you would put in a council meeting cover memo. It's the "why are we doing this?" part.

Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):

7. For the subsections below, ask the following questions and explain your reasoning for any answer. To be able to comply with the new ordinance, will businesses be required to spend any additional money? Will businesses no longer be able to do something they once made money on? Would the passage of this ordinance be likely to lessen any economic impact to businesses? If a study was performed, provide relevant information or a link to the full document.

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

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

8. List all new or increased fees in the subsection below. Tip: If you are amending Chapter 12, you probably have something to include in this subsection.

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

9. If you answered sub (b), calculate the estimated funds received from those fees and charges. This subsection is also asking if the City will incur costs to administer or enforce any of the ordinance's provisions. If the City passes an ordinance creating a new regulatory scheme for which the City must hire new employees or purchase goods or services, include the cost of adding those employees or items to the City.

(c) An estimate of the City's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

10. For the following section, the Business Tax Division may help ascertain how many businesses of a certain type are located within the City. For a list of business types for which the City collects tax, see City Code Chapter 17.

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

11. The section below is optional. Examples of information that can be included: Did a committee consider this ordinance? Are there related ordinances? Were any studies completed or workshops held related to this ordinance? Has the City received any stakeholder feedback?

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