

Business Impact Estimate Guidance and Form

Last Updated September 8, 2023

Background

- CS/SB 170 <https://www.flsenate.gov/Committees/BillSummaries/2023/html/2933> requires counties and cities to produce a “business impact estimate” prior to passing an ordinance, that does not qualify for one of the exemptions.
- The estimate must be published ten days before a public hearing 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.
- If the legal notice is published earlier than ten days before the public hearing, the Business Impact Estimate must be posted on our website the day of the legal notice or earlier.

Process

1. Before Legistar review for an Ordinance is initiated, complete the Exemption Checklist Form 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 there is no need to 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 complete, 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.

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

** If one or more boxes is checked below, a business impact estimate (as described in F.S. § 125.66(3)(a)) 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, 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, Florida Statutes, relating to the Florida Building Code; or
 - d. F.S. § 633.202, relating to the Florida Fire Prevention Code.

The following is for informational purposes only. Per the exemption noted on page 1, the following is not legally required by statute.

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

For:

Ordinance 23-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA ESTABLISHING A MUNICIPAL SERVICES TAXING UNIT TO PROVIDE RECREATION IN THE UNINCORPORATED SEMINOLE AREA; PROVIDING FOR THE BOUNDARIES OF THE UNINCORPORATED SEMINOLE SPORTS DISTRICT; PROVIDING FOR MANAGEMENT OF THE DISTRICT; PROVIDING FOR LIMITATIONS ON THE USES OF FUNDING; PROVIDING FOR POWERS AND DUTIES OF THE BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR THE LEVY OF AN AD VALOREM TAX FOR RECREATION; PROVIDING FOR INCLUSION IN THE PINELLAS COUNTY CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

This Ordinance is scheduled to be considered for adoption by the Pinellas County Commission on December 12, 2023, 6:00 p.m. at the Palm Room, 333 Chestnut St., Clearwater, FL 33756

* 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.] This ordinance would create an ad valorem Municipal Services Taxing Unit that would allow the levy of up to ¼ mill on residential and commercial property located within a specific unincorporated area of Pinellas County defined as the Unincorporated Seminole Sports District. The purpose of the MSTU is to provide resources to serve the recreational needs of the unincorporated area by making funds available for the maintenance, operation, and capital improvements of recreation facilities within the district. These facilities primarily provide organized youth sports programs and facilities to the community, which are important for the health and welfare of the community.

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 compliance with many ordinances does not require that direct costs be incurred, this estimate will often be "zero dollars." Generally speaking, direct costs are clearly connected to a specific objective and readily ascertainable.] **N/A**

(b) Identification of any new charge or fee on businesses subject to the Ordinance for which businesses will be financially responsible: The ¼ mill levy will result in a maximum of an additional \$25 per \$100,000 assessed value for all taxable unincorporated properties within the district boundaries, to include residential, commercial, and industrial parcels.

(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, a thoughtful estimate should often be provided. 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 (defined above).] **N/A**

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.] **Approximately 265**

4. Any additional information the BCC deems useful: *[Completing this Section is not legally required. However, at a minimum, the benefits of the Ordinance should be briefly summarized; try to avoid language that is redundant with Section 1.*