

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.]*