

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:

AN ORDINANCE OF THE COUNTY OF PINELLAS RELATING TO DUNE PROTECTION; PROHIBITING TRAVERSING ACROSS OR MODIFYING DUNES WITH EXCEPTIONS; PROHIBITING ACTIVITY ON DUNES WITHOUT A REQUIRED STATE COASTAL CONSTRUCTION CONTROL LINE PERMIT; PROVIDING FOR APPLICABILITY ON BARRIER ISLANDS COUNTYWIDE; PROVIDING FOR ENFORCEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

This Ordinance is scheduled to be considered for adoption by the Pinellas County Commission on Tuesday **January 28, 2025** at 9:30AM in the Palm Room of the County Communications Department Building, located at 333 Chestnut Street, Clearwater, FL 33756.

** Unless an attachment is expressly referenced, the content in this Form encompasses the entire Business Impact Estimate for this 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: Dunes along Pinellas County's (County) barrier islands provide numerous public benefits, including storm damage protection, beach sand replenishment, and habitat creation. This Ordinance will protect the integrity of the sediment forming dunes, as well as the vegetation (e.g., sea oats, sea grapes) growing thereon by making it unlawful to perform activities regulated by F.S. § 161.053 without a valid state permit when one is required. Finally, this Ordinance will allow the County to take action against persons who are violating F.S. § 161.053.

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; Estimated direct compliance costs are **zero dollars**.

(b) Identification of any new charge or fee on businesses subject to the Ordinance for which businesses will be financially responsible; **Businesses will not incur any no new charges or fees with the approval of this Ordinance.**

(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. **The regulatory costs will be absorbed within existing environmental compliance programs already in Public Works. No fees will be imposed on businesses for this program.**

3. A good faith estimate of the number of businesses likely to be impacted by the Proposed Ordinance: **County staff identified zero businesses that could be impacted by the Ordinance.**

4. Any additional information the BCC deems useful: No additional information is deemed useful for purposes of this Business Impact Estimate. Interested parties are encouraged to review the Ordinance.