

City of Gainesville, Florida Business Impact Estimate

This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the City's website by the time notice of the proposed ordinance is published.

Proposed ordinance's title/reference: ORDINANCE NO. 2023-866
An ordinance of the City of Gainesville, Florida, amending Sections 16-93 and 16-94 of Chapter 16 of the Code of Ordinances, Applicable codes and ordinances, to update the Code to conform to the state statutes for the abatement of nuisances; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. 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 law¹ for the proposed ordinance, but the City is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- 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.

¹ See Section 166.041(4)(c), Florida Statutes.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the City hereby publishes the following information:

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

The proposed ordinance will amend the City of Gainesville Chapter 16 of the Code of Ordinances to match enacted state statutory language related to nuisance abatement procedures by expanding the criminal activity which is considered to be public nuisances to mirror the state statute.

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

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

The City anticipates de minimis economic impacts or compliance costs for businesses as these provisions are focused on curtailing ongoing criminal activity at specific locations and are not tied to any individual business or types of businesses.

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

The City is not assessing any new charges or fees associated with the proposed ordinance.

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

The City will incur nominal regulatory costs through enforcement of the nuisance abatement provisions. As the draft ordinance is simply amending the City's Code of Ordinances to match current State Statute, the City does not anticipate additional regulatory costs beyond those already incurred for enforcing the existing nuisance abatement provisions in code.

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

The City estimates that 1-2 businesses per year may be impacted by the proposed ordinance. As previously stated, the proposed ordinance will amend the City of Gainesville's existing nuisance abatement provisions to match State Statute. Due to the nature of criminal activity, estimating where and how often the nuisance abatement ordinance will be applied is challenging. Historically, the City has used the existing nuisance abatement provisions once in the past 5 years.

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

The proposed ordinance will amend the City of Gainesville Chapter 16 of the Code of Ordinances to match enacted state statutory language related to nuisance abatement procedures by expanding the criminal activity which is considered to be public nuisances to mirror the state statute. As these provisions are focused on curtailing ongoing criminal activity at specific locations and are not tied to any individual business or types of businesses, the ordinance will apply universally to all properties where statute provides for abatement of public nuisances.