

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. 2024-517,
An ordinance of the City of Gainesville, Florida; revising Chapter 4, Article II, Sections 4-23, 4-37, 4-39 and 4-40 of the Code of Ordinances addressing bottle clubs regarding prohibited acts and licensing provisions; providing directions to the codifier; 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 city regulates the operation of bottle clubs in Sections 4-23, 4-37, 4-39 and 4-40. This ordinance would update the list of prohibited acts, licensing requirements, and penalties for violations in the operation of a bottle club contained in the code. The intent of the ordinance is to bring greater parity between bottle clubs and alcoholic beverage establishments within city limits.

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 currently regulates bottle clubs pursuant to Chapter 4, Article II of the code of ordinances. The existing ordinance, originally adopted in 1984, provides for a licensing process for bottle clubs and various provisions regulating their operation. Currently, there are no licensed bottle clubs operating within city limits and only one business possesses a 14BC Bottle Club license from the Florida Department of Business and Professional Regulation. That operation however received a Special Use Permit to operate as an Alcoholic Beverage Establishment pursuant to the City's Land Development Code and as such is not classified as a bottle club under the proposed ordinance. New bottle club establishments would be subject to the existing licensing provisions and similar operational regulations that are currently in place. Additional provisions contemplated by this ordinance including the 2:00 a.m. business closing, compliance with Florida Fire Code occupancy, and requirements to allow access for law enforcement and emergency personnel are applicable to similar uses such as alcoholic beverage establishments.

(b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and
The proposed ordinance does not change or increase the licensing charges or fees for bottle club establishments.

(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 bottle club ordinance. As there are currently no licensed operating bottle clubs in the city, regulatory costs borne by the City will be negligible. Costs to license and regulate new bottle clubs are not anticipated to change as a result of the proposed ordinance.

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

There are currently no licensed bottle clubs in operation within the city limits. As a result, no businesses will be impacted by the proposed ordinance.

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

As previously stated, currently, there are no licensed bottle clubs operating within city limits and only one business possesses a 14BC Bottle Club license from the Florida Department of Business and Professional Regulation. That operation however received a Special Use Permit to operate as an Alcoholic Beverage Establishment pursuant to the City's Land Development Code and as such is not classified as a bottle club under the proposed ordinance. The proposed ordinance is intended to bring greater parity between similar uses, bottle clubs, and alcoholic beverage establishments with respect to hours of operation and compliance with applicable codes.