

BUSINESS IMPACT ESTIMATES

Does my Ordinance require a Business Impact Estimate? Effective October 1, 2024, Section 166.041, Florida Statutes, has been amended to revise the statutory exemptions to the Business Impact Estimate requirement.

Here is the link to the current Statute:

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0100-0199/0166/Sections/0166.041.html

If the answer is yes, see page 2 of this document. Complete and send to City Clerk Bruns for posting on the website prior to the introduction of the ordinance.

OR

If the answer is no, identify the appropriate reference from below when you request an Ordinance be created. The following sentence needs to be completed with the exemption reference and placed on the agenda request form Summary Explanation and Background section. "Specific to business impact estimates, this ordinance is exempt pursuant to Section 166.041(4)(c)xxx., Florida Statutes." If you are unsure, please reach out to both City Attorney Boksner and Assistant City Attorney Naclerio in one email with the question.

Here are the exemptions:

- 1. Ordinances required for compliance with federal or state law or regulation;
- 2. Ordinances relating to the issuance or refinancing of debt;
- 3. The Ordinances relating to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- 4. Ordinances 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 a Municipal government;
- 5. Emergency Ordinances;
- 6. Ordinances relating to Procurement; or
- 7. Ordinances enacted to implement the following:
 - a. Development orders and development permits, as those terms are defined in s. 163.3164 and development agreements, as authorized by the Florida Local Government Development Agreement Act under ss.163.3220-163.3243;
 - b. Comprehensive plan amendments and land development regulation amendments initiated by an application by a private party other than the municipality;
 - c. Sections [190.005](#) and [190.046](#);
 - d. Section [553.73](#), relating to the Florida Building Code; or
 - e. Section [633.202](#), relating to the Florida Fire Prevention Code.

Business Impact Estimate

Proposed ordinance's title/reference:
Ord 30-26 / RZN25-000008

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the City of Cape Coral 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):
A rezone from the Single-Family Residential (R1) district to the Commercial (C) district.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City of Cape Coral, if any:
(a) An estimate of direct compliance costs that businesses may reasonably incur;
N/A
(b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and
N/A
(c) An estimate of the City of Cape Coral's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.
N/A

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

4. Additional information the governing body deems useful (if any):
This ordinance is not expected to impact any businesses. The ordinance will allow a wider range of commercial uses on a parcel that is adequately sized for future commercial development.