

Business Impact Estimate

NOTE: This form should be completed and posted on the City Website no later than the date of newspaper publication of ordinance adoption (i.e., second reading) and 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: 2023-15180

An Ordinance Relating to Rights-of-Way and Public Property; Amending The Public Right-of-Way Ordinance No. 06-11099 as Amended by Ordinance 2019- 14313 and by Ordinance 2022-14976, to Amend Appendix D, Aesthetic Design Standards, For Permitting of Construction and Maintenance in the Public Rights-of- Way, Public Sidewalks and Ways, Public Utility Easements, and Other Public Property; Providing for Registration: and Providing a Conflict and Severability Clause, a Repealer Provision, and an 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 Ordinance would amend registration requirements for placing or maintaining communications facilities in the public right-of-way. A local government can require a communications provider to register prior to obtaining a permit, Florida Statutes Section 337.401(3)(a) provides, the following: "...[A] municipality or county may require a provider of communications services that places or seeks to place facilities in its roads or rights-of-way to register with the municipality or county. Based on the statutory authority to require a registration and prior direction from City Council to pursue allowable requirements for small cell wireless facilities that are not preempted by federal or state laws and regulations, the Ordinance provides for registration of communications providers utilizing the City's rights-of-way.

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

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

No new Charges or Fees are proposed in this Ordinance, because "a municipality or county may not require a provider to pay any fee, cost, or other charge for registration or renewal" under Florida Statutes Section 337.401(3)(a). The registration may have a minimal or indeterminate impact on registrants as private parties incurred in preparing, gathering and submittal of documentation requested for registration.

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

No new Charges or Fees are proposed in this Ordinance, because "a municipality or county may not require a provider to pay any fee, cost, or other charge for registration or renewal" under Florida Statutes Section 337.401(3)(a). The registration may have a minimal or indeterminate impact on registrants as private parties incurred in preparing, gathering and submittal of documentation for registration.

(c) An estimate of the City's regulatory costs, including estimated revenues from any new charges or fees to cover such costs:

This ordinance does not increase state or local revenue, because "a municipality or county may not require a provider to pay any fee, cost, or other charge for registration or renewal" under Florida Statutes Section 337.401(3)(a). Registration will require staffing time and resources. The negative economic impact on City resources is indeterminate, but review of cell towers registration will require additional staffing or outside consultants with additional technical knowledge resources in the future that is not included in this Ordinance.

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

Approximately 6-12 communications businesses will be impacted by the City's proposed rights-of-way registration Ordinance.

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

N/A