



# **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 County's website by the time notice of the proposed ordinance is published.*

Proposed ordinance's Ordinance Number and Short Title:

## **ORDINANCE 2024-20**

**AN ORDINANCE OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE COUNTY OF VOLUSIA RELATING TO VEHICULAR ACCESS FEES FOR THE BEACH; AMENDING CHAPTER 20, DIVISION 3, VEHICULAR BEACH ACCESS FEES; AMENDING SECTION 20-201, FINDINGS; AMENDING SECTIONS 20-202 AND 20-203 BY ESTABLISHING A REASONABLE FEE FOR VEHICULAR TRAFFIC ACCESS TO THE BEACH PURSUANT TO SECTION 161.58, F.S.; PROVIDING A REVERSION FOR THE ANNUAL FEE CHARGED UNLESS THE VOLUSIA COUNTY COUNCIL TAKES ACTION; PROVIDING FOR APPLICABLE SALES TAX AND APPLICABLE CREDIT CARD OR CONVENIENCE FEE; CREATING NEW SECTION 20-206, PROVIDING FOR ENFORCEMENT BY COLLECTION BY FINE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING ORDINANCES; AUTHORIZING INCLUSION IN CODE; AND PROVIDING AN EFFECTIVE DATE.**

This Business Impact Estimate is provided in accordance with section 125.66(3), Florida Statutes. If one or more boxes are checked below, this means the County is of the view that a business impact estimate is not required by state law<sup>1</sup> for the proposed ordinance, but the County 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 county government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☐ The proposed ordinance is enacted to implement the following:

---

<sup>1</sup> See Section 125.66(3)(c), Florida Statutes.

- 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.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the County 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 sets a reasonable vehicular beach access fee pursuant to the authority in Section 161.58, Florida Statutes and must be approved by a three-fifths vote. The ordinance sets a revised daily fee for all beach users. The ordinance also recognizes that residents and property owners already contribute to the beach through the payment of property taxes and the cost to maintain the beach is in excess of the collection of vehicular access fees. The ordinance sets an annual fee for non-residents.

The public purpose of the ordinance sets a reasonable user fee for users of the beach to be used in the manner provided for under Section 161.58, Florida Statute. User fees partially pay for the uses and services consumed by users of the beach to lessen the burden placed on ad valorem taxes which would otherwise be required to wholly pay for the level of service on the beach. Vehicular user fees pay for beach services, including life, health, safety services such as lifeguards, for maintenance of the beach, and for capital improvements of beach assets.

The ordinance provides the framework for a more effective collection of vehicular beach access fees through the use of updated technology. The annual permit fee provision for residents and property owners will revert to its previous state of \$25 per annual permit on January 1, 2026 unless the County Council takes further action.

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

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

The County may contract with a company to provide the requested service to collect, manage, and enforce the vehicular access fees. The selected company would have to comply and collect the revised vehicular beach access fee.

Businesses have the same right as any non-resident member of the public to drive on to the beach subject to payment of the required fee.

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

No new charges are proposed, however the existing daily fee is revised to more reasonably partially cover the services demanded by the user on the beach.

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

The County's current proposed vendor who will manage the collection of vehicular beach access fees is estimated to cost the County \$4 million dollars per year.

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

Only the entity that is competitively selected to manage the County's vehicular beach access fees will be affected. The increased fee is not imposed on the business, however the business is expected to collect the increased vehicular beach access fee on behalf of the County.

Businesses that take vehicular access on the beach will pay the same fee as the applicable member of the public.

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

*[You may wish to include in this section the methodology or data used to prepare the Business Impact Estimate. For example: County staff solicited comments from businesses in the County as to the potential impact of the proposed ordinance by contacting the chamber of commerce, social media posting, direct mail or direct email, posting on County website, public workshop, etc. You may also wish to include efforts made to reduce the potential fiscal impact on businesses. You may also wish to state here that the proposed ordinance is a generally applicable ordinance that applies to all persons similarly situated (individuals as well as businesses) and, therefore, the proposed ordinance does not affect only businesses].*