



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 2024-21

AN ORDINANCE OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE COUNTY OF VOLUSIA RELATING TO CHARGING FOR OFF-BEACH PARKING ON COUNTY-OWNED OR OPERATED PROPERTY AND ON THE BEACH APPROACHES; AMENDING CHAPTER 20, ARTICLE VI DIVISION 2, OF THE BEACH CODE TO PROVIDE FOR PAID PARKING AND FOR ENFORCEMENT; AMENDING CHAPTER 82, ARTICLE II TO PROVIDE FOR PAID PARKING AND ENFORCEMENT; AMENDING CHAPTER 118, ARTICLE III TO PROVIDE FOR PAID PARKING AND FOR ENFORCEMENT; CREATING NEW SECTION 20-187 PARKING IN COUNTY FACILITIES AND APPROACHES WHERE FEE IS REQUIRED; CREATING NEW SECTION 20-188, FINES AND PENALTIES FOR VIOLATION OF SECTION 20-187; CREATING NEW SECTION 82-35, PARKING IN COUNTY FACILITIES WHERE A FEE IS REQUIRED; CREATING NEW SECTION 82-36, FINES AND PENALTIES FOR VIOLATION OF SECTION 82-35; CREATING NEW SECTION 118-74, PARKING IN COUNTY FACILITIES WHERE A FEE IS REQUIRED; CREATING NEW SECTION 118-75, FINES AND PENALTIES FOR VIOLATION OF SECTION 118-74; 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 law¹ 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;

¹ See Section 125.66(3)(c), Florida Statutes.

- ☐ 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.

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 up a paid parking program on County coastal assets, including the coastal parks, the beach approaches, and certain county facilities that have been signed by the County that there is a fee to park in those areas. The ordinance sets a daily parking fee of \$20 per day during the hours of operation. A yearly pass for non-residents/non-property owners is set at \$100. An owner of a vehicle who is a bona fide resident, a property owner, or attends certain colleges may register the vehicle, which serves as a yearly pass. A penalty for non-payment is set at \$50 if paid within 14 days and \$100 if paid after 14 days. The program may be run by a combination of license plate readers and roving attendants. Collection of penalties may be done by a third party and with coordination with the Volusia Sheriff for parking enforcement specialists.

The ordinance provides a public purpose by further controlling and regulating parking on County property by providing an orderly and safe area for the public to park and recreate. Additionally charging a user fee for the use of the County assets assures the best value for the tax paying citizens of Volusia County.

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;
- (b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and
- (c) An estimate of the County's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

Volusia County intends to competitively solicit for a contractor to manage the paid parking program. The entity selected through that competitive would be the private, for-profit business that would be directly affected because that business would be responsible for ensuring compliance with the parking program. No other business would be directly affected.

Since the County intends to charge for parking on certain county assets, those vehicles and owners of vehicles who park overtime may be subject to trespass towing or involuntary towing. Those entities who are may trespass tow or involuntary tow for overtime parking may be affected based on the contracts for those types of tows.

The cost to park is set as above, however those are user fees and are not imposed on any business in anyway different from a member of the public. No business will be financially responsible for the parking costs. The entity chosen through the competitive selection process will be responsible for collecting the parking costs and any resulting fines.

Based on the March 5, 2024 discussion and information, the County may see additional conservative revenues of an additional \$7 million. The cost to the County for a contractor to run program would be competitively solicited.

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

As above, only one business will be directly impacted by the proposed ordinance. The business selected by the competitive solicitation would manage and ensure the enforcement and collection, including any fines or penalties, of the paid parking program. Towing or wrecker companies who can trespass tow or involuntarily tow on behalf of the Volusia Sheriff or the County may see an increase in calls for those types of tows.

All other businesses would be affected in the same manner as a member of the general public for parking a vehicle on a county asset.

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].

The proposed ordinance sets up a paid parking program on County owned or operated coastal assets. The ordinance is generally applicable and does not affect only businesses. It is a user fee that charges users for the use of a County asset. Charging a user fee is a fiscally responsible change to protect and ensure the value of County assets purchased with taxpayer funds.