



## **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 2025 – 07

AN ORDINANCE OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE COUNTY OF VOLUSIA, BY AMENDING CHAPTER 78 – OFFENSES AND MISCELLANEOUS PROVISIONS; BY CREATING SECTION 78-1 PROHIBITION OF PUBLIC CAMPING OR SLEEPING WITHIN COUNTY BUILDINGS OR ITS GROUNDS AND THE PUBLIC CAMPING OR SLEEPING COMPLAINT PROCESS; BY AMENDING CHAPTER 94, SECTION 94 - 1 USE OF COUNTY RIGHTS-OF-WAY TO INCLUDE DEFINITIONS OF PUBLIC CAMPING OR SLEEPING; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING ORDINANCES; AND PROVIDING FOR 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:

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

- 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 county;
- c. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
- d. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
- e. 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 proposed ordinance complies with section 125.0231 Florida Statutes, which made it impermissible, effective October 1, 2024, for counties and municipalities to authorize or otherwise allow public camping or sleeping at public buildings, on public grounds, property or rights-of-way, except for enumerated circumstances such as property designated for recreational uses or during declared states of emergency. Section 125.0231 Florida Statutes placed the obligation on counties and municipalities to avoid violations of the new law and failure to do so subjects those counties and municipalities to civil action by residents of the county, owners of a business located in the county, or the Attorney General.**

**The proposed ordinance will prohibit individuals from regularly camping or sleeping on public property owned by the County, unless the area is specifically designated for recreational camping by the County. Exceptions are made for individuals staying in lawfully parked, registered, and insured motor vehicles or for recreational camping in areas designated by the County. Violating this ordinance may result in fines and trespass charges. The proposed ordinance also provides a complaint process to be used by residents of the county, owners of a business located in the county, or the Attorney General should a purported violation occur. The proposed ordinance serves the health, safety, welfare, of the 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;

**There is expected to be no direct compliance costs for businesses.**

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

**There will be no new charges or fees imposed by the proposed ordinance.**

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

**The enforcement of the ordinance could increase costs if violations of the ordinance result in more trespass warnings. Law Enforcement will be authorized to issue trespass violations in accordance with Chapter 810 of Florida Statutes and to take any legal and necessary action to remove a person violating the subsection. There are no estimated revenues anticipated.**

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

**No impact to businesses by the proposed ordinance.**

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].*

**There may be an increase in costs to social service organizations that assist persons experiencing homelessness if additional services are needed to shelter or care for those persons that typically camp or sleep on County property.**