



## **Business Impact Estimate**

In accordance with Section 125.66(3)(a), F.S., a Business Impact Estimate (BIE) is required to be: 1) prepared before enacting certain ordinances and 2) posted on Osceola County's website no later than the date the notice of proposed enactment/notice of intent to consider the proposed ordinance, is advertised in the newspaper (which, per Section 125.69, F.S., is ten (10) days before the Public Hearing).

### **Proposed ordinance's title/reference:**

An Ordinance of the Osceola County Board of County Commissioners, Enacting Article IV "School Zone Speed Detection System" of Chapter 22 of the Osceola County Code; Providing for Purpose, Intent and Definitions; Authorizing the Use of and Providing for Implementation of School Zone Speed Limit Detection Systems; Designating a Local Hearing Officer; Determining a Heightened Safety Risk and Providing for Designation of School Zones; Providing for Severability; Providing for Scrivener's Errors; Providing for Conflict; Providing for Inclusion into the Code; Providing for Filing with the Department of State; Providing for an Effective Date.

The County is of the view that the following exception(s) to the Business Impact Estimate requirement apply that are checked off in a box below apply to the above-referenced proposed ordinance:

- 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 local 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*.

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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 statement of the public purpose, such as serving the public health, safety, morals, and welfare):**

The proposed ordinance authorizes use and implementation of speed detection systems in school zones to aid law enforcement officials in the enforcement of school zone speed limits.

Implementation of a speed detection system in a given school zone is proposed in school zones where a heightened safety risk is present, necessitating additional enforcement procedures. The Ordinance specifically designates proposed school zones where speed limit detection systems may be placed or installed. The Ordinance additionally designates the currently appointed Code Enforcement Magistrate, or any other Special Magistrate appointed by the County Manager, or the County Manager's designee, as the local hearing officer, who shall have jurisdiction to conduct proceedings in accordance with Chapter 2023-174, Laws of Florida, and section 316.1896, Florida Statutes, as may be amended.

The intent of the Ordinance is to protect the health, safety, and welfare of Osceola County citizens by authorizing the placement or installation, use, and implementation of school zone speed limit detection systems in order to deter drivers from speeding in school zones and thereby reduce accidents, injuries, and disruption of traffic associated with such violations.

**2. Estimate of direct economic impact of the proposed ordinance on private, for-profit businesses in the County:**

No direct economic impact on private, for-profit businesses.

A business will be subject to a fine under this Ordinance if a motor vehicle registered to the business commits a school zone speed infraction, though the law outlines specific exceptions. Pursuant to section 318.18(3)(d), Florida Statutes, the penalty/fine for a school zone speed infraction is \$100. If the registered owner(s) of the violating vehicle elects to contest a notice of violation at a hearing and the violation is upheld by a local hearing officer, the local hearing officer, in addition to the mandatory \$100 fine, may impose up to \$250 in administrative costs owed to the County pursuant to sections 316.1896 and 316.0083(5)(e), Florida Statutes.

**3. Estimate of direct compliance costs that businesses may reasonably incur:**

No direct compliance costs.

A business will be subject to a fine under this Ordinance if a motor vehicle registered to the business commits a school zone speed infraction, though the law outlines specific exceptions. Pursuant to section 318.18(3)(d), Florida Statutes, the penalty/fine for a school zone speed infraction is \$100. If the registered owner(s) of the violating vehicle elects to contest a notice of violation at a hearing and the violation is upheld by a local hearing officer, the local hearing officer, in addition to the mandatory \$100 fine, may impose up to \$250 in administrative costs owed to the County pursuant to sections 316.1896 and 316.0083(5)(e), Florida Statutes.

**4. Any new charge or fee imposed on businesses by the proposed ordinance:**

No fees or charges on businesses are proposed. Penalties and fines are applied only to those in violation of the proposed Ordinance.

A business will be subject to a fine under this Ordinance if a motor vehicle registered to the business commits a school zone speed infraction, though the law outlines specific exceptions. Pursuant to section 318.18(3)(d), Florida Statutes, the penalty/fine for a school zone speed infraction is \$100. If the registered owner(s) of the violating vehicle elects to contest a notice of violation at a hearing and the violation is upheld by a local hearing officer, the local hearing officer, in addition to the mandatory \$100 fine, may impose up to \$250 in administrative costs owed to the County pursuant to sections 316.1896 and 316.0083(5)(e), Florida Statutes.

**5. Estimate of the County's regulatory costs, including estimated revenues from any new charges or fees to cover such costs:**

There will be an indeterminate impact on the County with respect to the staff and resources necessary to implement and administer the school zone speed limit detection systems. The financial impact will vary depending on the terms of any vendor agreements for school zone speed detection systems, the number of violations captured by the speed detection systems, and the number of hearings requested. Citations are the only source of revenue resulting from this ordinance, which per section 316.1895, Florida Statutes, is \$100.00 and must be remitted as specifically outlined in the statute. Additionally, if a notice of violation issued for a school zone speed infraction is contested, a local hearing officer may impose up to \$250.00 in administrative costs to the County per sections 316.1896 and 316.0083(5)(e), Florida Statutes.

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

Indeterminate.

A business will be impacted by this Ordinance if a motor vehicle registered to the business commits a school zone speed infraction.

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

As referenced in this BIE, this ordinance is required by Florida Statutes Section 316.008(9)c, which states that “A county or municipality must enact an ordinance in order to authorize the placement or installation of a speed detection system on a roadway maintained as a school zone as authorized by this subsection.” The ordinance is also required to implement a contract with a vendor to furnish, install, and maintain the equipment necessary for the enforcement program. As such, this Ordinance may be considered exempt from the BIE requirements. Nonetheless, this BIE has been prepared for the benefit of the BOCC and the public, in a good faith effort to comply with state law.

Per Section 316.1896, Florida Statutes, a \$100 fine will be issued with a citation associated with this ordinance. The fine may be contested pursuant to applicable Statutes. Of this \$100:

A. \$20 must be remitted to the Department of Revenue for deposit into the General Revenue Fund.

B. \$60 must be retained by the County and must be used to administer speed detection systems in school zones and other public safety initiatives.

C. \$3 must be remitted to the Department of Revenue for deposit into the Department of Law Enforcement Criminal Justice Standards and Training Trust Fund.

D. \$12 must be remitted to the school district in which the violation occurred and must be used for school security initiatives, for student transportation, or to improve the safety of student walking conditions. Funds remitted under this paragraph must be shared with charter schools in the district based on each charter school’s proportionate share of the district’s total unweighted full-time equivalent student enrollment and must be used for school security initiatives or to improve the safety of student walking conditions.

E. \$5 must be retained by the County for the School Crossing Guard Recruitment and Retention Program, pursuant to Section 316.1894, Florida Statutes.