



BOARD OF COUNTY COMMISSIONERS

Business Impact Estimate

This form must be uploaded into Granicus to 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 title/reference:

Amendments are being proposed to Chapter 62, Article VII, Division 2, Section 62-2844, entitled Performance Security, to allow the County Manager, or designee, to release or reduce performance security, as appropriate, for the construction of improvements associated with subdivisions and plats upon issuance of a certificate(s) of completion.

Pursuant to Section 125.66, Florida Statutes, a business impact estimate is **not** required if any of the following statements apply. Check all that apply and include this page in the agenda packet for the proposed ordinance under consideration.

- ☐ 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
- ☐ 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 Section 125.66, Florida Statutes, and in the absence of an exemption listed above, 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 amendments to Section 62-2844, Brevard County Code, will serve a public purpose by increasing County efficiency and reducing costs associated with processing these requests, while also providing a more streamlined procedure for development projects. Specifically, the proposed ordinance will reduce the time period developers must wait to have their performance bonds released. In most cases, this will result in a quicker process and could help shorten the processing time by weeks by removing the need for Public Works staff to draft agendas and present them to the Board at a regularly scheduled meeting.

In recent years, a request to release or reduce the performance security has never been denied, is not required by statute, is not done by most other local jurisdictions, and is a binary administrative decision based on whether the work is complete or not, which the Public Works Department already certifies.

Staff will still retain the authority to bring any such matters to the Board for consideration if any concerns arise with such a request.

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

No direct economic impact is expected.

Estimated impact: Economic impact is indeterminable; however, additional time savings are expected to provide incremental cost savings to the development community.

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

No direct compliance costs for businesses are reasonably expected.

Estimated compliance costs: N/A

4. Any new charge or fee imposed on businesses subject to the proposed ordinance, or for which businesses will be financially responsible:

No new charges or fees will be imposed by the proposed ordinance.

New charges or fees imposed: N/A

5. Estimate of the County's regulatory costs, including estimated revenues from any new charges or fees that will be imposed on businesses to cover such costs:

No increase in County regulatory costs is expected.

Estimated regulatory costs: N/A

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

These changes are anticipated to have a positive impact on all businesses permitting and constructing new development within Brevard County for work requiring a performance security under the Brevard County Code.

7. Additional information that the Board of County Commissioners determines useful:

Currently, upon recommendation from the County's Development Engineer and the Public Works Department, the Board is presented with the request to release or reduce performance security through an agenda report and can reduce the bond amount correspondingly for improvements that have received a certificate of completion.

The proposed Code amendments will increase efficiency by allowing County staff to handle such requests administratively, while still requiring the same supporting information and approvals from other County departments and governmental units for such improvements, including utility installations, roads, and drainage systems.

The applicant is still required to post security for the maintenance of such improvements (maintenance bond) once the certificate of completion is issued.