



## **Business Impact Estimate Form**

This Business Impact Estimate Form is provided to document compliance with and exemption from the requirements of Sec. 166.041(4), Fla. Stat. If one or more boxes are checked below under "Applicable Exemptions", this indicates that the City has determined that Sec. 166.041(4), Fla. Stat., does not apply to the proposed ordinance and that a business impact estimate is not required by law. If no exemption is identified, a business impact estimate required by Sec. 166.041(4), Fla. Stat. will be provided in the "Business Impact Estimate" section below. In addition, even if one or more exemptions are identified, the City may nevertheless choose to provide information concerning the proposed ordinance in the "Business Impact Estimate" section below. This Business Impact Estimate Form may be revised following its initial posting.

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

Ordinance No. 2026-02. An Ordinance of the City of South Daytona, Florida, amending Chapter 2 (Administration) of the City of South Daytona Code of Ordinances to add Article X, Criminal History Record Checks; providing for criminal history record checks pursuant to section 166.0442, Florida Statutes; and providing for codification, conflicts, severability, applicability, and an effective date.

### **Applicable Exemptions:**

- 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 municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
  - 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;

- Comprehensive plan amendments and land development regulation amendments initiated by an application by a private party other than the municipality;
- Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
- Section 553.73, Florida Statutes, relating to the Florida Building Code; or
- Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

**Business Impact Estimate:**

**The City hereby publishes the following information:**

**1. A summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):**

Proposed Ordinance 2026-02 adds a new article to Chapter 2 of the City's Code of Ordinances to formally authorize criminal history record checks for certain City employees, officials, appointees, volunteers, and contractors. These checks would apply to positions that the City determines are critical to security or public safety.

Florida Statute section 166.0442 requires cities to adopt an Ordinance in order to conduct fingerprint-based, state and national criminal history record checks, also known as Level 2 background checks. Although the City has historically conducted general background checks on prospective employees, the Florida Department of Law Enforcement (FDLE) may only process state and national checks when a city is specifically authorized by statute or local ordinance.

This Ordinance provides that legal authorization and establishes the City's authority to require fingerprinting and criminal history screening through FDLE and the Federal Bureau of Investigation (FBI). The information obtained may be used to determine eligibility for employment, appointment, or continued service with the City, while protecting the confidentiality of the records.

Implementation of the ordinance will occur once the City receives its FBI Originating Agency Identifier (ORI), which is required before fingerprint submissions can be processed.

Staff recommends the City Council adopt Ordinance 2026-02 to ensure compliance with state law and to enhance the safety and security of City operations and the public.

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

**(a) An estimate of direct compliance costs that businesses may reasonably incur if the ordinance is enacted:**

None.

**(b) Identification of any new charge or fee on businesses subject to the proposed ordinance, or for which businesses will be financially responsible:**

None.

**(c) An estimate of the municipality's regulatory costs, including an estimate of revenues from any new charges or fees that will be imposed on businesses to cover such costs:**

None.

**3. A good faith estimate of the number of businesses likely to be impacted by the ordinance:**

None.

**4. Additional information the governing body determines may be useful (if any):**

None.

*Note: The City's provision of information in the Business Impact Estimate section above, notwithstanding an applicable exemption, shall not constitute a waiver of the exemption or an admission that a business impact estimate is required by law for the proposed ordinance. The City's failure to check one or more exemptions below shall not constitute a waiver of the omitted exemption or an admission that the omitted exemption does not apply to the proposed ordinance under Sec. 166.041(4), Fla. Stat., Sec. 166.0411, Fla. Stat., or any other relevant provision of law.*