

# Business Impact Estimate

NOTE: This form should be completed and posted on the City Website no later than the date of newspaper publication of ordinance adoption (i.e., second reading) and included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the City's website by the time notice of the proposed ordinance is published.

Proposed ordinance's title/reference:

## **An Ordinance Relating to Public Art:**

- 1) That Sections 46-42(b) and 46-42(j)(1) and (4) of Article II, Administrative Procedures, of Chapter 46, Administration, Procedures and Enforcement, of the Code of Ordinances, City of Naples, are hereby amended by removing the definition of and the requirement for a public art master plan and shall read as follows:

### **Sec. 46-42. Public art.**

...

(b) *Definitions.* The following words, terms and phrases when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

...

~~Public art master plan means the enumeration of public sites for the possible placement of artwork as approved by the city council.~~

...

(j) *Use and administration of the public art fund.* A public art fund shall be established to receive all payments specified herein as well as contributions, grant funding and other monies from governmental or private sources. Any works of art purchased with the public art fund shall be and remain the sole property of the city. Expenditures from this fund may include only:

...

- (1) Commissioning, acquisition, installation and maintenance of artwork on public land ~~in the city in accordance with the public art master plan;~~
- (2) Certain expenses associated with the aforesaid artwork such as: honoraria where appropriate, transportation, installation, site preparation, and construction of base and/or anchoring system;
- (3) Insurance for public art located on property owned by the city; and
- (4) Professional services to develop or update ~~the a~~ public art master plan, and services related to the commissioning, acquisition, installation and maintenance of artwork on public land in the city.

- 2) That if any word, phrase, clause, subsection or section of this ordinance is for any reason held unconstitutional, invalid, or ineffective, the same shall

**not affect the validity of any remaining portions of this ordinance. In such an event, the pre-existing word, phrase, clause, subsection, or section, shall be revived.**

- 3) That all sections or parts of sections of the Code of Ordinances, City of Naples, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.**
- 4) This ordinance shall take effect immediately upon adoption at second reading.**

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the City is of the view that a business impact estimate is not required by state law<sup>1</sup> for the proposed ordinance, but the City 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 municipal 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.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the City 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):

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<sup>1</sup> See Section 166.041(4)(c), Florida Statutes.

During the September 18<sup>th</sup>, 2023, City Council Special Meeting, it was determined to dissolve the Public Art Advisory Committee (PAAC) and shift the responsible tasks to the Community Services Advisory Committee (CSAB). Because public art is required for new developments in the City and already go through the Design Review Board (DRB), and items in public parks and open spaces must go to the CSAB, the dissolution of the PAAC was easily implemented. The CSAB assumed the responsibilities of the PAAC, and the DRB continues to review public art from the private development side. In all cases, City Council has final approval of all public art on private and public property. Section 46-42 of the City Code was amended on October 18<sup>th</sup>, 2023, through Ordinance 2023-15224 to dissolve the PAAC and assigned its responsibilities to the CSAB and DRB as discussed above.

By removing the requirement of a master plan, City Council can immediately allocate funding from the public art fund towards public art in the public realm. Furthermore, for private projects, after review by the DRB, City Council will receive input to determine the compatibility of public art within private development. The opportunity for a future public art master plan remains within the code, in the event City Council would like to engage in the process.

On May 21, 2024, the CSAB was presented this recommended change. The board voted unanimously to approve the change to remove the requirement for a public art master plan to spend the public art funds.

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

(a) An estimate of direct compliance costs that businesses may reasonably incur:

**No new direct compliance costs are proposed in this Ordinance.**

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

**No new Charges or Fees are proposed in this Ordinance.**

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

**No new regulatory costs, including estimated revenues from any new charges or fees to cover such costs are included in this Ordinance.**

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

**N/A**

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

**N/A**