



THE CITY OF KEY WEST
1300 WHITE ST.
KEY WEST, FL 33040

BUSINESS IMPACT ESTIMATE
PURSUANT TO F.S. 166.041(4)

Meeting Date: January 11, 2024
Ordinance Number: 24-536
Posted To Webpage: January 4, 2024

This Business Impact Estimate is given as it relates to the proposed ordinance titled:
An Ordinance of the City of Key West, Florida, amending Chapter 18 of the Code of Ordinances, entitled "Businesses" by creating Article XV titled "Obscene Materials", Division I, entitled "Display of Obscene Materials"; Creating Sec 18-800 titled "Intent"; Creating Sec 18-801 entitled "Definitions"; Creating Section 18-802 entitled "Regulations"; Creating Sec 18-803 entitled "Penalties"

The sections below are not required to be completed if the ordinance involves any one of the following types of regulations. Please check if applicable:

- 1. Ordinances required for compliance with federal or state law or regulation;
- 2. Ordinances relating to the issuance or refinancing of debt;
- 3. Ordinances relating to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- 4. Ordinances 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 a municipal government;
- 5. Emergency ordinances;
- 6. Ordinances relating to procurement; or
- 7. Ordinances enacted to implement the following:
 - a. Part II of chapter 163, 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;
 - c. Section 553.73, relating to the Florida Building Code; or
 - d. Section 633.202, relating to the Florida Fire Prevention Code.

Part I.

Summary of the proposed ordinance and statement of public purpose:

The City of Key West hereby finds and declares that juveniles are confronted on a daily basis by the public display and sale of merchandise which graphically depicts or describes sexual activities or organs in an indecent manner, and which is therefore inappropriate for their viewing. By adoption of this Article, it is the intent of the city to aid parents in the exercise of their primary responsibility for the health and welfare of their children and to help protect the physical and psychological well-being of juveniles by shielding juveniles from the harmful influences of exposure to such merchandise in businesses which are open to the general public. The “Whereas” clauses of this ordinance are incorporated herein and made a part thereto.

Part II.

Estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City of Key West: *(fill out subsections a-c as applicable, if not applicable write “not applicable”)*

(a) Estimate of direct compliance costs that businesses may reasonably incur if the proposed ordinance is enacted:

4-6 hours of staff time to relocate all obscene materials from being visible from the public Right of Way.

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

Businesses found to be in violation are subject to a fine from the Code Compliance Special Magistrate of up to \$250 per violation/per day and \$500 for repeat violations per day.

(c) An estimate of the City of Key West’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. The City anticipates full compliance.

Part III.

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

Approximately 20 stores in the Core Commercial Tourist Area: (Duval and Front Streets)

Part IV. Additional Information (if any):

None.