



Business Impact Estimate

This form should be included in the "set for public hearing" agenda item for ordinances, and must be posted on the County's website by the time notice of the proposed ordinance is published.

Ordinance title/reference:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO PREVAILING WAGE; AMENDING SECTION 26-5 OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE") RELATING TO WAGES AND FRINGE BENEFITS ON COUNTY CONSTRUCTION CONTRACTS; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

If any of the following exceptions to the Business Impact Estimate requirement apply, check the applicable box and leave the remainder of the form blank.

- The ordinance is required for compliance with federal or state law or regulation;
- The ordinance relates to the issuance or refinancing of debt;
- The ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The 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 County;
- The ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The ordinance is enacted to implement the following:
 - a. Development orders and development permits, as defined in Section 163.3164, and development agreements authorized under the Florida Local Government Development Agreement Act;
 - b. Comprehensive plan amendments and land development regulation amendments initiated by application by a non-municipal private party;
 - c. Sections 190.005 and 190.046, regarding community development districts;
 - d. Section 553.73, relating to the Florida Building Code; or
 - e. Section 633.202, relating to the Florida Fire Prevention Code.

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

On May 28, 2024, the Governor signed House Bill 705 ("HB 705"), effective July 1, 2024. Prior to the adoption of HB 705, Section 255.0992, Florida Statutes, generally prohibited the County from requiring contractors or subcontractors to pay a predetermined amount of wages or benefits ("prevailing wage") to their employees for public works projects funded with state-appropriated funds. However, until this year, the prohibition on requiring prevailing wages did not apply to public works contracts funded solely with local funds. HB 705 amended Section 255.0992, Florida Statutes, to extend those prohibitions to public works projects funded with local funds.

The County's proposed amendments to the prevailing wage ordinance have been updated to include definitions and to comply with the recent amendments to Section 255.0992, Florida Statutes.

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

- a. Estimate of direct compliance costs that businesses may reasonably incur;
- b. Any new charge or fee imposed by the proposed ordinance; and
- c. Estimate of the County's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

The inclusion of other improvements to real property owned or leased by Broward County to the definition of the term construction contract is not expected to have a direct economic impact on private, for-profit businesses as it is assumed that market forces are such that those business are already paying in excess of the prevailing wage.

A direct economic impact estimate is not required for the changes necessary for compliance with HB 705.

3. Estimate of the number of businesses likely to be impacted by the proposed ordinance:

There are no private, for-profit businesses likely to be impacted by the portions of the proposed ordinance not required for compliance with HB 705, as it is assumed that market forces are such that those businesses are already paying in excess of the prevailing wage.

4. Additional information (if any):