

**LEE COUNTY, FLORIDA
BUSINESS IMPACT ESTIMATE
PROPOSED COUNTY ORDINANCE**

NAME OF ORDINANCE: Repeal Ordinance 04-24, Price Gouging

I. SUMMARY OF ORDINANCE

A. Statement of Purpose

Adopt an Ordinance Repealing Ordinance 04-24, Price Gouging, as it is superseded by Florida Statute 501.160.

B. Narrative Summary of Ordinance (Several Sentence Summary)

Florida Statute 501.160 prohibits the sale of essential goods and housing at an unconscionable price during a declared state of emergency providing more protection than Lee County Ordinance 04-24, Price Gouging. Ordinance 04-24 is duplicative of Florida Statutes 501.160 and no longer necessary.

Ordinance 04-24 was enacted in the wake of Hurricane Charley making landfall in Lee County in August 2004. The ordinance was approved by the Board on December 14, 2004. Briefly, the ordinance directs Public Safety staff to conduct a survey of commodity prices ahead of the annual hurricane season. That survey sets the "baseline" for which price gouging complaints are evaluated upon a complaint from a citizen. Violations of the ordinance can result in a misdemeanor of the second degree should a person be found guilty.

Following bills passed by the legislature in 2005, 2006, 2007, 2011, and 2021, Section 501.160, Florida Statutes, provides robust protections from price gouging. These protections exceed those in Ordinance 04-24. The language in Ordinance 04-24 also creates a conflict with the current statute.

II. BUSINESS IMPACT ESTIMATE

A. 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. Estimate of the county's regulatory costs, including estimate of revenues from any new charges or fees that will be imposed on businesses to cover such costs: **None**

D. Estimate of the number of businesses likely to be impacted by the ordinance: **0**