

STORAGE NAME: h3847.ca

DATE: March 18, 1998

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
COMMUNITY AFFAIRS
BILL RESEARCH & ECONOMIC IMPACT STATEMENT - LOCAL LEGISLATION**

BILL #: HB 3847

RELATING TO: Collier County/Department of Parks and Recreation

SPONSOR(S): Representative Saunders

COMPANION BILL(S): None

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) COMMUNITY AFFAIRS
 - (2)
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

The bill provides two exceptions to a special act relating to Collier County parks.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

Chapter 89-449, Laws of Florida, as amended by chapter 97-347, Laws of Florida, designates employees of the Collier County Department of Parks and Recreation (department) as park rangers. The special law requires park rangers to issue citations for offenses which occur within the county parks. The particular offenses are enumerated in the act.

Subsection (2)(g) of chapter 89-449, Laws of Florida, as amended by chapter 97-347, Laws of Florida, provides that it is an offense to cause or permit a dog or other domestic animal to enter any park facility. As such, animal shows and other substantially similar special events are prohibited under this provision.

Subsection (2)(h) of chapter 89-449, Laws of Florida, as amended by chapter 97-347, Laws of Florida, provides that it is an offense to build fires except on cooking grills in specified areas in the county parks. Currently, bonfires for special events are prohibited under this provision.

According to a Collier County spokesperson, all county parks subject to the special act are county owned and operated.

B. EFFECT OF PROPOSED CHANGES:

The bill provides exceptions to Collier County park regulations. The exceptions allow:

- Animal shows and other substantially similar special events; and
- Bonfires directly related to special events as authorized by the department's director on a case-by-case basis.

The bill requires the department to promulgate rules approved by the Collier County Board of County Commissioners regarding the above exceptions.

The Economic Impact Statement indicates that implementation of this bill has an insignificant positive fiscal impact to Collier County. There is no fiscal impact regarding the implementation of this bill to the county's Department of Parks and Recreation.

C. LAWS OF FLORIDA/FLORIDA STATUTES AFFECTED:

Chapter 89-449, Laws of Florida, as amended by chapter 97-347.

D. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

Yes. The bill requires the Collier County Department of Parks and Recreation to promulgate rules regarding the exceptions to the county parks' animal and fire prohibitions.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

Under the bill, the Collier County Department of Parks and Recreation must promulgate rules governing the exceptions in the bill. Adoption of the rules is contingent upon Collier County Board of County Commissioners' approval.

(3) any entitlement to a government service or benefit?

No.

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

No.

b. Does the bill require or authorize an increase in any fees?

No.

- c. Does the bill reduce total taxes, both rates and revenues?

No.

- d. Does the bill reduce total fees, both rates and revenues?

No. According to the Economic Impact Statement, Collier County expects the bill's provision to raise \$200 in FY 1997-98 and \$500 in FY 1998-99 in revenue from facility rentals.

- e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No.

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

No.

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

Yes. Individuals or private organizations/associations may be able to increase their reasonable use and enjoyment of county park facilities through the special event exceptions provided in the bill.

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No.

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

(1) Who evaluates the family's needs?

N/A

(2) Who makes the decisions?

N/A

(3) Are private alternatives permitted?

N/A

(4) Are families required to participate in a program?

N/A

(5) Are families penalized for not participating in a program?

N/A

b. Does the bill directly affect the legal rights and obligations between family members?

N/A

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

E. SECTION-BY-SECTION RESEARCH:

Section 1-- Amends Section 3 of chapter 89-449, Laws of Florida, as amended by chapter 97-347, Laws of Florida; provides an exception to the ban on domestic animals entering Collier County parks by allowing animal shows and similar special events; provides an exception to the ban on building fires in county parks by allowing bonfires for special events on a case-by-case basis; requires the Collier County Department of Parks and Recreation to promulgate rules relating to the exceptions, pending approval by the Collier County Board of County Commissioners.

Section 2 -- Provides that this act shall take effect upon becoming a law .

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? February 2, 1998

WHERE? Naples Daily News; Naples, Florida

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN? N/A

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

IV. COMMENTS:

Collier County stated that the provisions of this bill are added legislatively, rather than by ordinances, because chapter 89-449, Laws of Florida, as amended by 97-347, Laws of Florida, expressly outlines the local park rules (offenses) to be amended in the special act.

However, **House Rule 92(a)**, provides that “if a committee determines that a local bill may be enacted into law under the authority of a local governing body, that committee shall not report the bill to the Clerk.” The purposes of this local bill could be accomplished by a local ordinance *but would require* the special acts related to the [pension plan, career service system] be repealed by the Legislature and converted to local ordinances.

The ordinances are then subject to modification or repeal by the local governing body as are other local ordinances. The entire contents of the act remain in full force and effect during the conversion process.

Because the special acts related to the career service system have not been repealed and converted to local ordinances, House Rule 92(a) does not apply in this instance.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

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VI. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

Legislative Research Director:

Nayola R. Frazier

Joan Highsmith-Smith