

STORAGE NAME: h2167.ca

DATE: April 12, 1999

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
COMMUNITY AFFAIRS
ANALYSIS - LOCAL LEGISLATION**

BILL #: HB 2167

RELATING TO: Collier County

SPONSOR(S): Representative Goodlette

COMPANION BILL(S): None

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

(1) COMMUNITY AFFAIRS

(2)

(3)

(4)

(5)

I. SUMMARY:

The bill provides an exception to specified offenses committed within the boundaries of any Collier County park, county operated parking facilities, public beaches, beach access areas adjacent to any county park, and public areas immediately adjacent to county parks. The bill revises the list of prohibited offenses for which county park enforcement officers are empowered to issue citations. The bill prohibits the carrying, possession, or consumption of alcoholic beverages in any park building or structure and provides for exceptions to the prohibition. The bill prohibits certain posting of certain signs and provides an exception to certain posting prohibitions. The bill provides an exception to certain prohibitions of building fires within certain areas. The bill prohibits possession, carrying, or transporting of any glass bottle or container out of doors in any county park. The bill revises the provisions which prohibit the maltreatment or transport of described species of wildlife and provides an exception.

The bill as introduced exceeds the scope of the public notice for the local bill.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Section 3 of chapter 89-449, Laws of Florida, as amended: Provides the powers and duties of the county park enforcement officers (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) of chapter 89-449, Laws of Florida, as amended: Provides that it is the duty of the park rangers to issue citations for any offenses which are either prohibited by ordinance or are specifically prohibited by this chapter, as amended, which occur within any of the following:

- County park boundary;
- Public beaches;
- County operated parking facilities; and
- Public areas immediately adjacent to county parks.

Paragraphs (a) - (m) of subsection (2) of chapter 89-449, Laws of Florida, as amended: Enumerates prohibited actions and activities.

[**Note:** All county parks subject to the special act, as amended, are county owned and operated.]

B. EFFECT OF PROPOSED CHANGES:

The bill provides an exception to the specified offenses when not prohibited by law and when expressly authorized in advance and in writing by permit issued by the director of the department in adherence with policy rules approved by resolution of the Board of County Commissioners. The bill deletes certain redundant language in the charter. The bill makes the following substantive changes to the enumerated prohibitions contained in the charter.

- Clarifies the prohibition against willfully marking, defacing, disfiguring, injuring, tampering with, or displacing or removing any of the enumerated fixtures, markers, notices, equipment, structures, or facilities.
- Creates an exception from the prohibition of alcoholic beverages for wedding receptions and other special events.
- Clarifies the prohibition of posting or attaching advertisements.
- Limits the prohibition on the possessing, carrying, or transporting of glass bottles to the out of doors in the park.
- Substantially re-writes the prohibition against the harming or harassing of wildlife in the park.

The bill as introduced exceeds the public notice required for local bills.

C. LAWS OF FLORIDA/FLORIDA STATUTES AFFECTED:

Chapter 89-449, Laws of Florida, as amended.

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?

N/A

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

N/A

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

N/A

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?

N/A

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

N/A

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

N/A

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

N/A

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

N/A

3. Personal Responsibility:

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

N/A

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

N/A

4. Individual Freedom:

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

N/A

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

N/A

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 ANALYSIS:

Section 1: Amends subsection (2) of section 3 of chapter 89-449, Laws of Florida, as amended by chapters 97-347 and 98-483, Laws of Florida, as follows:

Section 3: Creates an exception to the requirement of park rangers to issue citations for certain activities when those activities are expressly authorized in advance and in writing by permit issued by the director of the department in strict adherence with policy rules of the department approved by resolution of the Board of County Commissioners. The generally prohibited activities include the following:

- Expands the prohibition against willfully marking, defacing, disfiguring, injuring, tampering with, or displacing or removing any park structures or appurtenances to any county property or appurtenances.
- Deletes redundant language regarding rulemaking and destruction or damage of park flora.
- Creates an exception to the prohibition of the presence and consumption of alcoholic beverages in the park when authorized for wedding receptions and other special events (subject to the issuance of a permit).
- Clarifies the prohibition of the attachment of posters, signs, or advertisements in the park.
- Deletes redundant language regarding the prohibition of dogs and other domestic animals in the park.
- Deletes redundant language regarding the prohibition of the building of fires in the park.
- Clarifies the prohibition of glass bottles and containers in the park.
- Substantially re-writes the prohibition against harming, disturbing, or harassing wildlife.

Section 2: Provides that the act will take effect upon becoming law.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes [x] No []

IF YES, WHEN? March 3, 1999

WHERE? **Naples Daily News**, Naples, Collier County, Florida.

B. REFERENDUM(S) REQUIRED? Yes [] No [x]

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached [x] No []

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached [x] No []

IV. COMMENTS:

The bill as introduced exceeds the scope of the published public notice.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

The sponsor of the bill will be offering the following amendment to the bill to conform the bill to the published public notice:

Section 1: Amends subsection (2) of section 3 of chapter 89-449, Laws of Florida, as amended by chapters 97-347 and 98-483, Laws of Florida, as follows:

Section 3: Creates an exception to the requirement of park rangers to issue citations for certain activities when those activities are expressly authorized in advance and in writing by permit issued by the director of the department in strict adherence with policy rules of the department approved by resolution of the Board of County Commissioners. The generally prohibited activities include the following:

- Clarifies that the prohibition against willfully marking, defacing, disfiguring, injuring, tampering with, or displacing or removing any park structures or appurtenances to any county park property or appurtenances.
- Creates an exception to the prohibition of the presence and consumption of alcoholic beverages in the park when authorized for wedding receptions and other special events (subject to the issuance of a permit).

Section 2: Provides that the act takes effect upon becoming a law.

VI. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

Staff Director:

Tonya Sue Chavis, Esq.

Joan Highsmith-Smith