

STORAGE NAME: h1007z.ca
DATE: May 17, 2000

****AS PASSED BY THE LEGISLATURE****
CHAPTER #: 00-408, Laws of Florida

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

BILL #: HB 1007
RELATING TO: Islamorada, Village of Islands
SPONSOR(S): Representative Sorensen
TIED BILL(S): None

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

- (1) COMMUNITY AFFAIRS (PRC) YEAS 8 NAYS 0
- (2) WATER & RESOURCE MANAGEMENT (RLC) (W/D)
- (3)
- (4)
- (5)

I. SUMMARY:

This bill authorizes Islamorada, the Village of Islands in Monroe County, to exercise its police powers and jurisdiction 1,200 feet into the tidal waters adjacent to its established corporate limits.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|--|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

1. This bill potentially increases government regulations. Under the bill's provisions, Islamorada is authorized to use its police powers and jurisdiction in an area (the surrounding 1200 feet of tidal waters) previously not authorized. Islamorada may pass ordinances, which were not previously allowed, which regulates personal sea crafts, house boats, etc., within the tidal waters.
2. This bill may decrease some individuals' freedom as it allows Islamorada to place certain restrictions on individuals located within the 1200 feet of tidal waters adjacent to the municipality.

B. PRESENT SITUATION:

Pursuant to chapter 166, F.S., municipalities are limited to expending its police powers within its municipal boundaries. There are two municipalities within Monroe County which have been authorized by the Legislature to expend its police powers and jurisdiction to include 600 feet into the tidal waters adjacent to its municipal boundaries. The two cities are the City of Key Colony Beach by chapter 85-468, Laws of Florida, and the City of Key West by chapter 78-541.

Currently, the Fish and Wildlife Conservation Commission is charged with regulating the waters of the state.

C. EFFECT OF PROPOSED CHANGES:

This bill expands the police powers and jurisdiction of Islamorada, Village of Islands, in Monroe County, to include 1200 feet into the tidal waters adjacent to its municipal boundaries. The municipality is limited in this expanded authorization only to the abatement of nuisances, the enforcement of sanitary laws and regulations, the regulation of zoning laws, and the suppression of crime.

D. SECTION-BY-SECTION ANALYSIS:

Section 1: Expands the police powers and jurisdiction of Islamorada, Village of Islands, in Monroe County, to include 1200 feet into the tidal waters adjacent to its municipal boundaries; and limits the expanded authorization only to the abatement of nuisances, the enforcement of sanitary laws and regulations, the regulation of zoning laws, and the suppression of crime.

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Section 2: Provides effective date of upon becoming a law.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? January 10 & 12, 2000

WHERE? The Key West Citizen; Key West, Monroe County

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

IV. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

The Fish and Wildlife Commission does not oppose this bill since it is giving the municipality police powers over specific tidal waters. This bill does not change the fact that the Fish and Wildlife Commission receives the \$50 fines for violations committed on the tidal waters. In effect, this bill is positive for the Fish and Wildlife Commission because there will be additional enforcement of violations on the tidal waters. In addition, CS/HB 23 by Judiciary and Representative Crow restricts the jurisdiction of municipalities as it relates to jet skis.

The city estimates that the fiscal impact of this bill for FY 2000-01 is \$110,000 and \$180,000 for FY 2001-02 which will be paid out of city revenues. For FY 2000-01, the city estimates that the \$110,000 will be spent in the following manner: \$20,000 for management plan development, \$10,000 for administration costs, and \$80,000 for enforcement. The \$180,000 for FY 2001-02 will be spent with \$30,000 allocated to pay administration costs and \$150,000 allocated to pay for enforcement.

The Director of Community Planning for Islamorada stated that the city is seeking this legislation because currently there is a problem with people anchoring off its islands and dumping waste directly into the water. The city currently does not have jurisdiction to require pumping stations or other protections since its jurisdiction is limited to the boundaries of the city. In addition, the Department of Community Affairs is requiring the city to be responsible for near-shore water quality. This has put the city in a difficult position since it is not authorized to regulate activities in the near-shore waters. The

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advantages of this bill is enhanced safety and public health, decreased emergency response costs, and improved water quality, through increased requirements relating to moored vessels, enhanced tourist attractions and increased revenues.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None

VI. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

Staff Director:

Laura L. Jacobs

Joan Highsmith-Smith

FINAL ANALYSIS PREPARED BY THE COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

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