

STORAGE NAME: h0115a.sgc.doc
DATE: March 15, 2001

HOUSE OF REPRESENTATIVES
SMARTER GOVERNMENT COUNCIL
ANALYSIS – LOCAL LEGISLATION

BILL #: HB 115
RELATING TO: Marathon/Police Powers
SPONSOR(S): Representative Sorensen
TIED BILL(S): None

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

- (1) LOCAL GOVERNMENT & VETERANS AFFAIRS YEAS 8 NAYS 0
 - (2) CRIMSE PREVENTION, CORRECTIONS & SAFETY YEAS 9 NAYS 0
 - (3) SMARTER GOVERNMENT COUNCIL YEAS 10 NAYS 0
 - (4)
 - (5)
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I. SUMMARY:

This bill authorizes the City of Marathon, Monroe County, to exercise, for certain purposes, its police powers and jurisdiction 1200 feet into the tidal waters adjacent to its established corporate limits.

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, Marathon is authorized to use its police powers and jurisdiction in an area (the surrounding 1200 feet of tidal waters) previously not authorized. Marathon may pass ordinances, which were not previously allowed, which regulates personal sea crafts, houseboats, etc., within the tidal waters.

2. This bill may decrease some individuals' freedom as it allows Marathon to place certain restrictions within a certain area of the municipality on individuals' activities.

B. PRESENT SITUATION:

Pursuant to chapter 166, Florida Statutes, municipalities are limited to exercising its police powers to within its municipal boundaries. Currently, there are two municipalities, within Monroe County, which have been authorized by the Legislature to exercise its police powers and jurisdiction to include **600** feet into the tidal waters adjacent to the 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, Laws of Florida. There is one municipality within Monroe County, which has been authorized by the Legislature to exercise its police powers and jurisdiction to include **1200** feet into the tidal waters adjacent to its municipal boundaries. The city is Islamorada, Village of Islands, by chapter 2000-408, Laws of Florida.

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, for certain purposes, and jurisdiction of the City of Marathon, Monroe County, Florida, to include 1200 feet into the tidal waters adjacent to its municipal boundaries. This authorization applies 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 the City of Marathon, Monroe County, Florida, to include 1200 feet into the tidal waters adjacent to its municipal boundaries; and limits the expanded authorization only to apply to the abatement of nuisances, the

enforcement of sanitary laws and regulations, the regulation of zoning laws, and the suppression of crime.

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

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? December 6, 2000

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

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

III. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

The Florida Fish and Wildlife Conservation Commission (Commission) does not oppose this bill. This bill does not change the fact that the Commission receives the \$50 fines for violations committed on the tidal waters. In effect, this bill is positive for the Commission as it provides additional enforcement of violations on the tidal waters.

The city estimates that the fiscal impact of this bill for FY 2001-02 is \$1,186,000. The fiscal impact for FY 2002-03 is unknown due to the unsettled negotiations involving the Municipal Policing Contract and the Monroe County Sheriff. For FY 2001-02, the city estimates that the \$1,186,000 will be spent in the following manner: \$168,000 for the City Code Compliance Department and \$1,018,000 for the Municipal Policing Contract with the Monroe County Sheriff. For FY 2003-04, the city estimates that \$168,000 will be spent for the City Code Compliance Department and a "to be negotiated" contract for the Municipal Policing Contract with the Monroe County Sheriff. The city anticipates no increased revenues at this time.

The Assistant City Manager for Marathon, Mr. Emmett Wainwright, stated the following: "The primary intent of extending the City of Marathon's jurisdictional policing powers 1200 feet from the shoreline is to enable the municipality's policing and code compliance departments to enforce state law, city codes and harbor management policies. Primarily these extended enforcement capabilities will enable the City to discourage harbor/offshore dumping, code violations pertaining to

vacation boat rentals and live-aboards, and prohibited docking. Moreover, this increase in the reach of the City's jurisdictional policing powers will also allow the enforcement of proper and regular use of pump-out facilities for permanent and transient boaters, compliance with harbor management policies and also address the derelict vessel issue that particularly plagues Boot Key Harbor. Thus with these capabilities, the City will be able to effectively address the water quality degradation which has affected Boot Key Harbor as well as the City's near shore waters."

Last year House Bill 1007, relating to Islamorada, Village of Islands, authorized the City to exercise, for certain purposes, its police powers and jurisdiction 1200 feet into the tidal waters adjacent to its established corporate limits. The bill passed the Legislature and is chapter 2000-408, Laws of Florida.

IV. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None

V. SIGNATURES:

COMMITTEE ON LOCAL GOVERNMENT & VETERANS AFFAIRS:

Prepared by:

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AS REVISED BY THE SMARTER GOVERNMENT COUNCIL:

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