

STORAGE NAME: h1783a.lgva.doc

DATE: February 21, 2002

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
LOCAL GOVERNMENT & VETERANS AFFAIRS
ANALYSIS – LOCAL LEGISLATION**

BILL #: HB 1783

RELATING TO: City of Anna Maria Island

SPONSOR(S): Representative Bennett

TIED BILL(S):

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

- (1) LOCAL GOVERNMENT & VETERANS AFFAIRS (SGC) YEAS 8 NAYS 0
 - (2)
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

THIS DOCUMENT IS NOT INTENDED TO BE USED FOR THE PURPOSE OF CONSTRUING STATUTES, OR TO BE CONSTRUED AS AFFECTING, DEFINING, LIMITING, CONTROLLING, SPECIFYING, CLARIFYING, OR MODIFYING ANY LEGISLATION OR STATUTE.

This bill provides for inclusion, into the City boundary, of naturally accreted or artificially added lands within the territory of the City of Anna Maria Island.

According to the Economic Impact Statement, the bill does not appear to have any economic effect on either State or local government budgets.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" 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 type="checkbox"/> | N/A <input checked="" 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:

B. PRESENT SITUATION:

The City of Anna Maria was first chartered by chapter 9675, Laws of Florida, 1923. The charter was later abolished and rechartered as the City of Anna Maria Island by ch. 30564, Laws of Florida, 1955. That charter was abolished by ch. 59-1050, Laws of Florida. A Home Rule Charter for the City of Anna Maria was adopted by Ordinance No. 389 on January 5, 1978, and ratified at the general election on February 7, 1978.

Beach Nourishment

Beach nourishment, or the artificial addition of beach material to an area, is accomplished pursuant to provisions of ch. 161, Florida Statutes. Specifically, as part of the process, a survey is prepared and adopted by the Board of Trustees of the Internal Improvement Trust Fund. The purpose is to establish what is known as the "erosion control line" to establish a fixed boundary line between upland riparian ownership and the State's sovereign submerged ownership. While the provisions in ch. 161, F.S., provide for certain police powers to the municipality affected by the establishment of the erosion control line, those provisions do not specifically provide for the enforcement of municipal code provisions on the newly created portion of the beach.

C. EFFECT OF PROPOSED CHANGES:

This bill would extend the corporate boundary of the City of Anna Maria Island to include naturally accreted or artificially added lands within the territory of the City of Anna Maria Island.

D. SECTION-BY-SECTION ANALYSIS:

Section 1. Amends section 6 of chapter 30561 (1955), Laws of Florida, to include all artificially added or naturally accreted lands within the territory of the City of Anna Maria Island, also known as the City of Anna Maria.

Section 2. Provides that the bill is remedial and is to be liberally construed to promote its intended purpose.

Section 3. Provides for severability of the bill.

Section 4. Provides an effective date of upon becoming law.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN?

December 21, 2001

WHERE?

Bradenton Herald, published at Bradenton in Manatee 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:

None.

B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

In a February 18, 2002, telephone conversation with Alan H. Prather, of Dye, Deitrich, Prather & Petruff, Attorneys for the City of Anna Maria, Mr. Prather explained that the City was concerned about its ability to legally enforce provisions of the City Code on areas such as newly renourished beaches.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VI. SIGNATURES:

COMMITTEE ON LOCAL GOVERNMENT & VETERANS AFFAIRS:

Prepared by:

Staff Director:

Andrew S. Grayson, Esquire

Joan Highsmith-Smith