

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 925 Collier County
SPONSOR(S): Representative M. Davis
TIED BILLS: None. **IDEN./SIM. BILLS:** None.

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Local Government & Veterans' Affairs</u>	<u>17 Y, 0 N</u>	<u>Morris</u>	<u>Cutchins</u>
2) _____	_____	_____	_____
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

This bill repeals Ch. 18458, (1937) L.O.F., relating to the prohibition of cattle, horses, and mules from running or roaming at large within certain boundaries of Collier County.

According to the economic impact statement, this bill does not appear to have a fiscal impact on state or local governments.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|-----------------------------|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | 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. EFFECT OF PROPOSED CHANGES:

Under the 1885 Florida Constitution, counties and cities derived all of their powers from the state and had no independent power to govern, absent specific authorizing legislation. To provide this necessary authority, the legislature adopted Special Acts that would grant specific authority to a local government. In 1937 Collier County voters approved a special act concerning roaming livestock. Chapter 18458, (1937) L.O.F., prohibits cattle, horses, or mules from running or roaming at large within certain described boundaries of Collier County, Florida. Specifically, Ch. 18458, (1937) L.O.F., requires fencing of certain boundaries, provides the county commissioners with discretion in constructing and locating fences, provides for the enforcement upon infringement of this act, and authorizes ad valorem taxation for fencing. Chapter 18458, (1937) L.O.F., has never been amended and conflicts with Ch. 25236, (1949) L.O.F., an act of the legislature which also addresses confinement and restraint of livestock.

This bill repeals Ch. 18458 (1937) L.O.F., relating to the special act of Collier County. Upon repeal, livestock at large and fencing issues in Collier County will still be subject to general law. Current statutory requirements relating to legal fences and livestock at large can also be found in Ch. 588, F.S.

C. SECTION DIRECTORY:

Section 1 repeals Ch. 18458 (1937) L.O.F., which prohibits cattle, horses, or mules from running or roaming at large within certain described boundaries of Collier County, Florida.

Section 2 provides effective date upon becoming a law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN?

January 12, 2004

WHERE?

Naples Daily News, Collier 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

According to the economic impact statement, this bill does not appear to have a fiscal impact on state or local governments.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

B. RULE-MAKING AUTHORITY:

C. DRAFTING ISSUES OR OTHER COMMENTS:

IV. AMENDMENT/COMMITTEE SUBSTITUTE CHANGES