

**HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS**

**BILL #:** HB 993

Escambia County

**SPONSOR(S):** Evers

**TIED BILLS:**

**IDEN./SIM. BILLS:**

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<b>REFERENCE</b>	<b>ACTION</b>	<b>ANALYST</b>	<b>STAFF DIRECTOR</b>
1) <u>Committee on Urban &amp; Local Affairs</u>	<u>8 Y, 0 N</u>	<u>Nelson</u>	<u>Kruse</u>
2) _____	_____	_____	_____
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

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**SUMMARY ANALYSIS**

This bill repeals a 1957 special act which required the enclosure of clay pits, caves or other depressions in Escambia County. The Escambia County Board of County Commissioners recently enacted a comprehensive county ordinance to address the subject matter of the special act.

The bill has an effective date of upon becoming law.

According to the Economic Impact Statement, this bill will have no fiscal impact.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

The bill does not appear to implicate any of the House Principles.

#### B. EFFECT OF PROPOSED CHANGES:

This bill repeals ch. 57-1291, F.S., a special act which required the enclosure of clay pits, caves or other depressions in Escambia County that were "so located and of such depth that a child might conceivably be drowned...." Owners, lessors or occupants of any real property containing a depression of this type were required to enclose the area with a fence or other device of a height of at least four feet. The Escambia County Board of County Commissions has indicated that this law was "overbroad" and never enforced, and that the board recently enacted a county ordinance to address the subject matter of the special act.

This Escambia County ordinance, Chapter 42, Article IV, Division 2, Sec. 42-111 through Sec. 42-113, was enacted by the board on January 4, 2007, and filed with the Department of State on January 9, 2007. It provides for conditions constituting nuisances (including excavations, holes and pits), and the methods of abatement, as well as for enforcement by county code enforcement officers.

The bill has an effective date of upon becoming law.

#### C. SECTION DIRECTORY:

Section 1: Repeals ch. 57-1291, F.S., a special act relating to Escambia County requiring the enclosure of certain depressions.

Section 2: Provides an effective date.

### II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

#### A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? November 10, 2006

WHERE? The *Pensacola News Journal*, a newspaper of general circulation published in Escambia 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

According to the Economic Impact Statement, this bill will have no fiscal impact.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

**Drafting Issues**

Chapter 57-1291, L.O.F., the act which is repealed by the bill, was amended by ch. 2002-379, L.O.F. The bill should be amended to also repeal that act.

**Other Comments**

The Escambia County Board of County Commissioners supports this bill.<sup>1</sup>

D. STATEMENT OF THE SPONSOR

No statement submitted.

### IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

On March 7, 2007, the Urban & Local Affairs Committee adopted an amendment which repeals ch. 2002-379, L.O.F., a special act which amended the act that this bill repeals. This act had provided an exception for a stormwater management facility within the City of Pensacola constructed in accordance with uniform state rules or more-restrictive local government ordinances.

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<sup>1</sup> Janet Lander, Escambia County Attorney, in a telephone conversation on March 1, 2007.