

STORAGE NAME: h1175a.ca

DATE: April 4, 1997

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
COMMUNITY AFFAIRS
BILL ANALYSIS & ECONOMIC IMPACT STATEMENT - LOCAL LEGISLATION**

BILL #: HB 1175

RELATING TO: Collier County (County Park Enforcement Officers)

SPONSOR(S): Representative Saunders and others

COMPANION BILL(S): None

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

- (1) COMMUNITY AFFAIRS YEAS 7 NAYS 0
 - (2)
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

This bill expands the jurisdiction of Collier County Park Enforcement Officers (park rangers) to areas other than county parks. Park rangers are authorized to issue citations for violations of county ordinances occurring within the boundaries of Collier County's:

- public beaches;
- beach access areas adjacent to county parks;
- county operated parking facilities; and
- public areas immediately adjacent to county parks.

The bill protects several additional land and sea creatures making it an offense for a person to injure, kill, molest, collect, possess, or cause direct or indirect injury to them while in the jurisdiction of the areas specified in the bill.

The bill also makes it a violation to possess, carry, or transport any glass container in any county park.

The Economic Impact Statement indicates revenues generated from additional fines will offset any anticipated increased costs associated with this bill.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

The 1989 Legislature authorized Collier County Board of County Commissioners to designate employees of the Collier County Department of Parks and Recreation as County Park Enforcement Officers (park rangers). The park rangers are authorized to issue citations for violations of county ordinance(s), including but not limited to, ordinances adopted to carry out the provisions of this bill.

It is a violation to injure, kill, molest, collect, possess, or cause direct or indirect injury to any species of sea turtle, or to interfere, destroy, or tamper in any way with the nesting of the sea turtle. It is also a violation to possess, carry, or transport any glass containers in beach access areas. Violators are required to appear in county court and are subject to fines.

B. EFFECT OF PROPOSED CHANGES:

This bill expands the jurisdiction of Collier County park enforcement officers (park rangers) to areas other than county parks. Park rangers are authorized to issue citations for violations of county ordinances occurring within the boundaries of Collier County's:

- public beaches;
- beach access areas adjacent to county parks;
- county operated parking facilities; and
- public areas immediately adjacent to county parks.

The bill protects several additional land and sea creatures. It is an offense for a person to injure, kill, molest, collect, possess, or cause direct or indirect injury to gophers tortoises, live sand dollars, shorebirds, birds of prey, live shells, live sea stars, and birds of prey in the jurisdiction of the areas specified in the bill.

The bill also makes it a violation to possess, carry, or transport any glass container in any county park.

The Economic Impact Statement indicates revenues generated from additional fines will offset any anticipated increased costs associated with this bill.

C. LAWS OF FLORIDA/FLORIDA STATUTES AFFECTED:

Chapter 89-499, Laws of Florida.

D. APPLICATION OF PRINCIPLES:

1. Less Government:

Not applicable.

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a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

(3) any entitlement to a government service or benefit?

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

(2) what is the cost of such responsibility at the new level/agency?

(3) how is the new agency accountable to the people governed?

2. Lower Taxes:

Not applicable.

a. Does the bill increase anyone's taxes?

b. Does the bill require or authorize an increase in any fees?

c. Does the bill reduce total taxes, both rates and revenues?

d. Does the bill reduce total fees, both rates and revenues?

e. Does the bill authorize any fee or tax increase by any local government?

3. Personal Responsibility:

Not applicable.

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?
- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

4. Individual Freedom:

Not applicable.

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?
- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

5. Family Empowerment:

Not applicable.

- a. If the bill purports to provide services to families or children:

(1) Who evaluates the family's needs?

(2) Who makes the decisions?

(3) Are private alternatives permitted?

(4) Are families required to participate in a program?

(5) Are families penalized for not participating in a program?

- b. Does the bill directly affect the legal rights and obligations between family members?

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c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

(2) service providers?

(3) government employees/agencies?

E. SECTION-BY-SECTION ANALYSIS:

Section 1-- Amends section 1 of chapter 89-449, Laws of Florida, to include in the legislative intent section enforcement powers by park rangers in or on public beaches, beach access areas adjacent to county parks, county operated parking facilities, and public areas immediately adjacent to county parks.

Section 2-- Amends section 2 of chapter 89-499, Laws of Florida, to expand the jurisdiction of the park rangers from the current county parks areas to public beaches, beach access areas adjacent to county parks, county operated parking facilities, and public areas immediately adjacent to county parks.

Section 3-- Amends section 3 of chapter 89-449, Laws of Florida, to add to the powers and duties of park rangers and add to the list of violations offenses against gopher tortoises, live sand dollars, shorebirds, birds of prey, live shells, live sea stars, and birds of prey.

Section 4-- Amends section 4 of chapter 89-449, Laws of Florida, to provide that a violator may pay the fine and elect not to appear in county court.

Section 5-- Provides an effective date of upon becoming law.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes [X] No []

IF YES, WHEN? December 16, 1996

WHERE? Naples Daily News, Naples, FL

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B. REFERENDUM(S) REQUIRED? Yes [] No [X]

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached [X] No []

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached [X] No []

IV. COMMENTS:

According to the county attorney, the park rangers do not have arrest powers and are not certified to carry firearms. He further comments, that this special act will enable them to issue citations in beach areas that are located between one county park at the northern end of Marco Island to another county park at the southern end. In those beach areas in between the county parks, park rangers are often asked by citizens for assistance. Since they have no enforcement jurisdiction in those areas, they must decline.

Also, concerns were raised to the Department of Environmental Protection (DEP) regarding jurisdiction of beach areas. The DEP responded that they welcome the county's assistance in these areas to enforce county ordinances.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VI. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:

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