

STORAGE NAME: h1473.ca

DATE: March 31, 1997

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

BILL #: HB 1473

RELATING TO: The Municipality of Gulf Breeze; Santa Rosa County, and Escambia County (Law Enforcement Jurisdiction on Bob Sikes Bridge)

SPONSOR(S): Representative Maygarden and others

COMPANION BILL(S): None

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

- (1) COMMUNITY AFFAIRS
 - (2)
 - (3)
 - (4)
 - (5)
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I. SUMMARY:

This bill grants Santa Rosa County, Escambia County and the municipality of Gulf Breeze (Santa Rosa County) concurrent law enforcement jurisdiction on the Bob Sikes Bridge. The local governments are authorized to exercise arrest powers over the entire length of the bridge outside their jurisdictions.

Officers must be in fresh and continuous pursuit of a violator of certain offenses. The officers are only authorized to go to a certain point outside their jurisdictions

The Economic Impact Statement indicates that no quantifiable costs or savings are available. However, savings in the efficient use of officers' time will be greatly enhanced.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

Section 901.25, Florida Statutes, allows law enforcement officers to pursue a person in fresh pursuit outside his jurisdiction when that person:

- ◆ has committed a felony;
- ◆ is reasonably suspected of committing a felony; or
- ◆ has violated a county or municipal ordinance or chapter 316, Florida Statutes, or committed a misdemeanor.

However, if an arrest is made by the law enforcement officer outside his jurisdiction, he or she must notify the officer in charge of the jurisdiction in which the arrest is made. The *officer in charge of the jurisdiction* where the arrest is made must, along with the arresting officer, take the arrested person before a county court judge or other committing magistrate without delay.

That section also provides that the employing agency, (state, county, or municipality) of the arresting officer is liable for all actions of the officer the same as if he or she made the arrest in his or her jurisdiction.

The Counties of Escambia and Santa Rosa and the municipality of Gulf Breeze have mutual aid agreements that cover many law enforcement activities. *However, the provisions of section 901.25, Florida Statutes, cannot be overridden by a mutual aid agreement or a local ordinance.* When an arrest is made for a violation occurring on the Sikes Bridge, it sometimes involves an officer from Gulf Breeze, Escambia County or Santa Rosa County to travel to Milton (Santa Rosa County county seat) to book the individual. Milton is located northeast of the bridge, approximately one hours' driving time from the Sikes Bridge. This trip can consume several hours of two officers' time.

The Bob Sikes Bridge crosses over the intracoastal waterway connecting the western tip of Santa Rosa County (where the municipality of Gulf Breeze is located) with Santa Rosa Island. The majority of the Island is in the jurisdiction of Escambia County. The Island is approximately 1 mile wide at the point where the bridge empties traffic onto Santa Rosa Island (southern end of bridge entering Escambia County, leaving Santa Rosa County). The tip of Santa Rosa County where the municipality of Gulf Breeze is located is approximately 2.5 miles wide at the point where the bridge empties traffic into Gulf Breeze (northern end of bridge entering Santa Rosa County, leaving Escambia County).

The 1967 Legislature gave similar police jurisdiction on the Pensacola Bay Bridge to Escambia County and the municipality of Gulf Breeze. That special act was challenged and upheld by a three judge appellate panel in Escambia County Circuit Court (State of Florida vs. John Paul Calder, case No. 93-14332-DD-A-41, Escambia County, FL, October 3, 1995).

B. EFFECT OF PROPOSED CHANGES:

This bill grants Santa Rosa County, Escambia County and the municipality of Gulf Breeze (Santa Rosa County) concurrent law enforcement jurisdiction on the Bob Sikes Bridge. The local governments are authorized to exercise arrest powers over the entire length of the bridge outside their jurisdictions.

When a person in Escambia or Santa Rosa County:

- ◆ has committed a felony;
- ◆ is reasonably suspected of committing a felony; or
- ◆ has violated a county or municipal ordinance or commits a misdemeanor

that person may be arrested by law enforcement officer(s) from either Escambia County, Santa Rosa County or the municipality of Gulf Breeze. The officer must be in fresh and continuous pursuit. The point to which the officers may go beyond their jurisdictions are within a radius of one mile within the north end of the bridge (applies to Escambia County law enforcement) and to within a radius of one mile within the south end of the bridge (applies to Santa Rosa County and the municipality of Gulf Breeze law enforcement).

C. LAWS OF FLORIDA/FLORIDA STATUTES AFFECTED:

New creation.

D. APPLICATION OF PRINCIPLES:

1. Less Government:

Not applicable.

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?

- 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 RESEARCH:

Section 1: Grants concurrent law enforcement jurisdiction on the Bob Sikes Bridge to Escambia and Santa Rosa Counties and the municipality of Gulf Breeze; authorizes arrest powers to each named county and municipality outside jurisdiction over the entire length of the bridge;

Section 2: Provides that law enforcement officers from Escambia County may arrest violators for certain violations in each of the jurisdictions named and pursue such person(s) to any point within a radius of one mile within Santa Rosa County from the north end of the Bob Sikes Bridge.

Section 3: Provides that law enforcement officers from the municipality of Gulf Breeze or Santa Rosa County may arrest violators for certain violations in each of the jurisdictions named and pursue such person(s) to any point within a radius of one mile within Escambia County from the south end of the Bob Sikes Bridge.

Section 4: Provides for an effective date of upon becoming a law.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes ☒ No ☐

IF YES, WHEN? January 30, 1997

WHERE? Pensacola News Journal, Pensacola, Escambia County, FL

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:

The 1967 Legislature granted Escambia County and the municipality of Gulf Breeze concurrent law enforcement jurisdiction over the Pensacola Bay Bridge. The special act was challenged and upheld as taking precedent over section 901.25, Florida Statutes. According to the Legal Counsel for the Escambia County Sheriff, that act:

has provided a great benefit to the citizens of Escambia and Santa Rosa Counties because it has facilitated the coordination of law enforcement efforts in controlling vehicular traffic on the Pensacola Bay Bridge.

However, Florida House of Representatives Rule 92.(b) provides:

If a committee determines that a local bill provides only an exemption from general law, it shall be reintroduced as a general bill.

House Bill 1473 is local in its application but appears to only provide an exemption from section 901.25, Florida Statutes.

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It appears appropriate for this bill to be referred to or assessed by the Rules, Resolutions & Ethics Committee for an appropriate determination as to whether or not this bill should be reintroduced as a general bill.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

One amendment corrects a spelling error. The sponsor agrees with the amendment.

VI. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

Legislative Research Director:

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