

**STORAGE NAME:** h1099z.lgva.doc  
**DATE:** July 1, 2002

**\*\*AS PASSED BY THE LEGISLATURE\*\***  
**CHAPTER #:** 2002-379, Laws of Florida

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

**BILL #:** HB 1099  
**RELATING TO:** Stormwater Management Facilities  
**SPONSOR(S):** Representative Benson

**TIED BILL(S):**

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

- (1) LOCAL GOVERNMENT & VETERANS AFFAIRS (SGC) YEAS 9 NAYS 0
- (2) COUNCIL FOR SMARTER GOVERNMENT (W/D)
- (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 allows stormwater management facilities in Pensacola to be exempt from Florida Law requiring certain properties in Escambia County to enclose, with a fence or other device of a height of at least four feet, any clay pits, caves or other depressions. The stormwater management facilities in the City of Pensacola are still subject to statewide applicable regulations regarding public safety or other more-restrictive ordinances.

According to the Economic Impact Statement, this bill does not impact state or local 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:

Currently, chapter 57-1291, Laws of Florida, relating to Escambia County, provides that in the interest of public health, certain properties in Escambia County are required to enclose with a fence or other device of a height of at least four feet any clay pits, caves or other depressions that may cause a child to drown when filled with rain water.

Section 62-25.025 (6), Florida Administrative Code, rule of the Florida Department of Environmental Protection, states that unless local regulations are more restrictive, that in the interest of public safety, permanently wet retention and detention basins shall either be fenced or otherwise restricted from public access or contain side slopes that are no steeper than 4:1 (horizontal / vertical) out to a depth of two feet below the control elevation. All slopes shall be stabilized by either vegetation or other materials to minimize subsequent sedimentation of the basin.

C. EFFECT OF PROPOSED CHANGES:

This bill amends a special act to exempt stormwater management facilities, located in the City of Pensacola, from this special act. Such facilities must be constructed in accordance with rules adopted pursuant to section 120.54, F.S., or other more-restrictive ordinances. The effect of the bill is that the stormwater management facilities in the City of Pensacola are still subject to statewide applicable regulations regarding public safety.

The unincorporated areas of Escambia County continue to be subject to the provisions of the special act.

D. SECTION-BY-SECTION ANALYSIS:

**Section 1:**

Section 1 of chapter 57-1291 is amended to allow stormwater management facilities in Pensacola to be exempt from Florida law requiring certain properties in Escambia County to enclose, with a fence or other device of a height of at least four feet, any clay pits, caves or other depressions which present drowning dangers to children. Such facilities must be constructed in accordance with rules adopted pursuant to section 120.54, F.S., or other restrictive ordinances.

**Section 2:**

This act takes effect upon becoming a law.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN?

December 24, 2001

WHERE? Pensacola News Journal, Pensacola, Escambia 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

IV. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

N/A

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

NONE

VI. SIGNATURES:

COMMITTEE ON LOCAL GOVERNMENT & VETERANS AFFAIRS:

Prepared by:

Staff Director:

Kevin Doyle

Joan Highsmith-Smith

**STORAGE NAME:** h1099z.lgva.doc

**DATE:** July 1, 2002

**PAGE:** 4

**FINAL ANALYSIS PREPARED BY THE COMMITTEE ON LOCAL GOVERNMENT & VETERANS  
AFFAIRS:**

Prepared by:

Staff Director:

---

Kevin Doyle

---

Joan Highsmith-Smith