

1986

Session Law 86-341

Florida Senate & House of Representatives

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LEGISLATIVE SUPPLEMENT "B" - SESSION LAW ABSTRACT

Year 1986	Session Law No. 86-341 (SP/LOC)	LOF Cite Vol. II, 13-16	#pp 3
Prime Bill# 5 695	Sponsor MANN	Comp./Sim. Bills 1	
JLMC Hist. Leg. Cites	Senate pp.#s 123 (1235)	House pp.#s	#pp
Committee of Ref.	Senate House	Previous versions?	

Committee Records

H/S	Committee	Year	Record Series: Folder Title, etc.	Location Cite	#pp
S	ERCA	86	SB 695	18/1515	
			MF 9/23/86	18/1517	
H	CAF	86	SB 695 (not here)	NA	

Senate/House Journals

Page	?	Date	#pp	Page	?	Date	#pp

Tape Recordings

H/S	Floor	Committee/subcommittee	Date	# Tapes	Location Cite
S		ERCA (SB 695) NO INDEX (Tape 1 of 4)	4/23/86	4	625/332
S		RCL " NO INDEX/NO MF	5/2/86	1	625/332

Other Documentation

Record series title, folder title, etc.	Location Cite	#pp

S 695 LOCAL BILL by Mann

Gasparilla Island/Land Use. (Charlotte & Lee Counties) defines criteria for traditional land use of Gasparilla Island, including Boca Grande Isles & Gasparilla Golf Course Island, Three Sisters Island, Hogans Key, & Loomis Island, establishes Gasparilla Inn Historic Resort Area, provides boundaries; provides for traditional use within the area, etc. Effective Date. 07/11/86.

04/02/86 SENATE Prefiled

04/15/86 SENATE Introduced, referred to Economic, Community and Consumer Affairs; Rules and Calendar -SJ 94

04/21/86 SENATE On Committee agenda—Economic, Community and Consumer Affairs, 04/23/86, 2:00 pm, Room-H

04/23/86 SENATE Comm Report: Favorable by Economic, Community and Consumer Affairs -SJ 141

04/24/86 SENATE Now in Rules and Calendar -SJ 141

05/02/86 SENATE Extension of time granted Committee Rules and Calendar

05/20/86 SENATE Considered by Rules and Calendar, placed on Local Calendar -SJ 324, Passed, YEAS 38 NAYS 0 -SJ 326

05/21/86 HOUSE In Messages

05/27/86 HOUSE Received, referred to Community Affairs, Natural Resources -HJ 528

06/03/86 HOUSE Withdrawn from Community Affairs -HJ 744, Now in Natural Resources, Withdrawn from Natural Resources -HJ 744, Placed on Calendar

06/04/86 HOUSE Placed on Local Calendar; Read second and third times. Passed, YEAS 114 NAYS 4 -HJ 839

06/04/86 Ordered enrolled -SJ 626

06/25/86 Signed by Officers and presented to Governor

07/11/86 Became Law without Governor's Signature, Chapter No 86-341

86-341

SPECIAL ACTS
ADOPTED BY THE
NINTH LEGISLATURE OF FLORIDA
UNDER THE CONSTITUTION
AS REVISED IN 1968

During the Regular Session
April 8, 1986 through June 7, 1986
and the Special Session
June 19, 1986



Volume II

Published by Authority of Law

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COMMITTEE

TALLAHASSEE

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(3) The method for levying, financing, securing, and collecting such special assessments for the maintenance, operation, and replacement of bridges shall be as provided by ordinance. To the extent not inconsistent with this act, the provisions of such ordinance shall follow the procedures and requirements set forth in chapter 170, Florida Statutes.

Section 2. This act shall take effect upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State May 28, 1986.

CHAPTER 86-340

Senate Bill No. 630

An act relating to Sarasota County, amending chapter 70-929, Laws of Florida, as amended; adding certain parcels of land to the Warm Mineral Springs Lighting District, No. 1; increasing the maximum allowable millage for such district; providing for a referendum; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. The following described parcels of real estate are hereby included in the Warm Mineral Springs Lighting District, No. 1, in Sarasota County, Florida: Tracts 102, 103, and 107, Warm Mineral Springs Subdivision, and all of Units 51, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, and 70.

Section 2. Section 7 of chapter 70-929, Laws of Florida, as amended by chapter 71-915, Laws of Florida, is amended to read:

Section 7. The governing body of the district may by resolution at the appropriate time each year notify the board of county commissioners of Sarasota County of the amount of millage required for the necessary expenses of the district for the next succeeding fiscal year. The millage for said district purposes shall not exceed .75 one-half mill per dollar of the taxable value assessed.

Section 3. This act, except for this section which shall take effect upon becoming a law, shall take effect only upon approval by a majority vote of the electors voting in a referendum election which shall be called and held by the board of county commissioners of Sarasota County at a date to be set by the county commissioners no later than September 1, 1986. Any elector who resides within the district or within the area proposed to be annexed is eligible to vote in such referendum. There shall be at least 30 days' notice of the election as provided by s. 100.342, Florida Statutes. The election required by this section shall be paid for by the Warm Mineral Springs Lighting District, No. 1, and the expenditure of funds for this purpose is a proper district expense.

Became a law without the Governor's approval.

Filed in Office Secretary of State May 28, 1986.

CHAPTER 86-341

Senate Bill No. 695

An act relating to Gasparilla Island, including Boca Grande Isles and the Gasparilla Golf Course Island, Three Sisters Island, Hogans Key, and Loomis Island, located in Charlotte County and Lee County; amending Section 4 of Chapter 80-473, Laws of Florida, as amended; defining the term nonconforming use; defining the criteria for traditional use; allowing the right to rebuild or repair nonconforming existing structures under certain circumstances; providing time limitation for issuance of permits for rebuilding or repair of such structures; establishing the Gasparilla Inn Historic Resort Area, providing boundaries; providing for traditional use within the area; providing density and height standards; providing exemptions to the act within the area boundaries; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (7) of section 4 of chapter 80-473, Laws of Florida, as amended by chapter 83-385, Laws of Florida, is amended, and subsection (10) is added to said section, to read:

Section 4. Restrictions on density, height, land uses and advertisement.--

(7) No local governmental body or agency shall have the authority to grant variances or exceptions to the height, density or sign requirements, or to any other provisions or requirement of this act. Notwithstanding the provisions of this section, the Lee County Board of County Commissioners or the Charlotte County Board of County Commissioners, in their respective counties, may grant the right to repair, renovate, or rebuild any nonconforming existing dwelling unit or structure occupied for use as of the effective date of chapter 80-473, Laws of Florida, upon a finding of the Board of County Commissioners in the respective county that the traditional use of such structures has served the public and community benefit. However, no such reconstruction, rebuilding, or renovation of such nonconforming structure shall be allowed to a density or building height or use greater than that authorized under the provisions of this act or the present nonconformity, whichever is greater. As used in this subsection:

(a) "Nonconforming building or structure" is a building or structure, the size, dimension, or location of which was in existence prior to the effective date of chapter 80-473, Laws of Florida, but which fails, by reason of the adoption of this act and existing county building and zoning regulations, to conform to the present requirements of zoning regulations.

(b) "Traditional use" may include, but is not limited to the longevity of use, contribution of the use to the community and

historic integrity of the community, and uniqueness of the use in context with the adjoining land uses.

(c) When the nonconforming use of a structure is discontinued or abandoned for 12 consecutive months after being damaged or destroyed and no permits for reconstruction, renovation, or repair have been applied for within that period, the Board of County Commissioners may not grant permission for use of the structure except in conformance with the provisions of this act and applicable county codes, regulations, or ordinances.

(10) The Gasparilla Inn Historic Resort Area.--

(a) Creation and boundaries.--There is hereby created, because of its special and irreplaceable historic significance and community importance, the Gasparilla Inn Historic Resort Area. The territory of the area consists of the following described parcels of land:

1. A parcel of land lying easterly of Boca Grande Bayou in Government Lot 1 and in the east half (E-1/2) of the southeast quarter (SE-1/4), Section 14, Township 43 South, Range 20 East, Gasparilla Island, Lee County, Florida which tract or parcel is described as follows:

From the southeast corner of the intersection of Palm Avenue and Seventh Street as shown on Revised Plat of Boca Grande recorded in Plat Book 7 at page 1, Lee County Records run N 89°23'55" E along the south line of said Seventh Street as shown on said plat and an easterly prolongation thereof for 1250 feet; thence run S 30°36'05" E for 100 feet to the Point of Beginning. From said Point of Beginning run N 30°36'05" W for 800 feet; thence run S 59°23'55" W for 220 feet more or less to the waters of Boca Grande Bayou; thence run southeasterly along said waters for 850 feet more or less to an intersection with the line bearing S 59°23'55" W and passing through the Point of Beginning; thence run N 59°23'55" E along said line for 140 feet more or less to the Point of Beginning. Containing 3.2 acres more or less.

Bearings hereinabove mentioned are based on assuming the south line of Seventh Street to bear N 89°23'55" E.

2. A parcel of land lying in Government Lots 3 and 4, Section 14, township 43 South, Range 20 East, Gasparilla Island, Lee County, Florida which tract or parcel is described as follows:

Beginning at the northwest corner of the intersection of Gilchrist Avenue (120 feet wide) and Fourth Street (60 feet wide) as shown on Revised Plat of Boca Grande recorded in Plat Book 7 at page 1, Lee County Records run northerly along the westerly line of said Gilchrist Avenue and a northerly prolongation thereof for 510 feet to the north line of Fifth Street as shown on said plat; thence run easterly along said north line for 374.01 feet to the westerly line of Gasparilla Road (60 feet wide) as shown on said plat; thence run northerly along said westerly line for 599.04 feet to the south line of Seventh Street (50 feet wide) as shown on said plat; thence run westerly along said south line and a westerly

prolongation thereof for 608 feet more or less to the Mean High Water Line of the Gulf of Mexico; thence run southerly along said Line for 1110 feet more or less to an intersection with a westerly prolongation of the north line of said Fourth Street, thence run easterly along said prolongation and said north line for 350 feet more or less to the Point of Beginning.

EXCEPTING THEREFROM that part of Fifth Street (110 feet wide) as shown on said Revised Plat of Boca Grande lying within the herein above described parcel. Containing 12.4 acres more or less net of said Fifth Street right-of-way.

3. A parcel of land lying in Government Lots 1, 3 and 4 and in the east half (E-1/2) of the southeast quarter (SE-1/4), Section 14, Township 43 South, Range 20 East, Gasparilla Island, Lee County, Florida which tract or parcel is described as follows:

Beginning at the northeast corner of the intersection of East Avenue (40.2 feet wide) and Fifth Street (50 feet wide) as shown on Revised Plat of Boca Grande recorded in Plat Book 7 at page 1, Lee County Records run easterly along the north line of said Fifth Street and an easterly prolongation thereof for 1340 feet more or less to the waters of Boca Grande Bayou; thence run northwesterly along said waters for 640 feet more or less to an intersection with the south line of Seventh Street (50 feet wide) as shown on said plat; thence run westerly along said south line for 340 feet more or less to an intersection with the southerly prolongation of the east line of Lots 23 and 26, Block 57 said Revised Plat of Boca Grande; thence run northerly along said prolongation and said east line for 238 feet more or less to said waters of Boca Grande Bayou on the south line of Eight Street (491.55 feet wide) as shown on said plat; thence run westerly along said south line and the north line of said Block 57 for 575 feet more or less to the northwest corner of the east half (E-1/2) of Lot 4 said Block 57; thence run southerly along the west line of said east half (E-1/2) of Lot 4 for 124 feet more or less to the southwest corner of said east half (E-1/2); thence run easterly for 25 feet more or less to the northwest corner of Lot 3 said Block 57; thence run southerly along the west line of said Lot 3 and a southerly prolongation thereof for 174 feet more or less to said south line of Seventh Street; thence run westerly along said south line for 310 feet more or less to an intersection with the east line of said East Avenue as shown on said plat; thence run southerly along said east line for 599 feet more or less to the Point of Beginning.

EXCEPTING THEREFROM those parts of the rights-of-way for Palm Avenue (58.27 feet wide) and Seventh Street as shown on said Revised Plat of Boca Grande lying within the hereinabove described parcel. Containing 19.7 acres more or less net of said road rights-of-way.

(b) Standards for construction.--The historic resort area is found to have traditional uses which are of a public benefit for the

operation and maintenance of a resort inn complex and all amenities and facilities associated with such uses, including, but not limited to, tennis courts, swimming pools, recreational complex, golf shop, employee housing, and such auxiliary buildings and facilities as necessary for the operation and maintenance of such a complex, and shall be able to maintain such use, notwithstanding the other restrictions of this act as to residential density, except as provided in this subsection.

(c) Restrictions.--The residential density restrictions of this act do not apply within the boundaries of the historic resort area if such residential density does not exceed 80 resort room accommodations, 109 employee dwelling units, and 56 other residential dwelling units. All other land uses, building standards or restrictions, or activities within the historic resort area are governed by the provisions of this act and by the Lee County Comprehensive Plan where not in conflict with this act. However, the Lee County Board of County Commissioners, in application of its zoning, parking, setback, and other land use ordinances, rules, or regulations, shall take into consideration the special and historic significance and traditional land uses of the historic resort area and the area's location on a sensitive barrier island.

Section 2. This act shall take effect upon becoming a law.

Became a law without the Governor's approval.

Filed in Office Secretary of State July 11, 1986.

CHAPTER 86-342

Senate Bill No. 719

An act relating to Alachua County; reenacting and amending ch. 84-388, Laws of Florida; providing permanent status for certain employees of the Alachua County Sheriff; specifying rights of employees; providing procedures for appeal of disciplinary actions and complaints against employees; providing for the appointment of boards to hear appeals and procedures with respect thereto; providing an effective date

Be It Enacted by the Legislature of the State of Florida:

Section 1. Chapter 84-388, Laws of Florida, is reenacted and amended to read:

Section 1. Employees of Alachua County Sheriff; applicability of act; permanent status of employees; administration.--

(1) APPLICABILITY.--The provisions of this act shall apply to all commissioned and noncommissioned persons in the employ of the Office of the Alachua County Sheriff, including deputy sheriffs. The provisions of this act shall not apply to the Sheriff; or to special deputy sheriffs appointed pursuant to s. 30.09(4), Florida Statutes, members of the Sheriff's Posse or Reserve Unit, and individuals appointed as part-time deputy sheriffs, as defined by the Criminal Justice Standards and Training Commission, unless any such person is also employed full-time by the Office of the Sheriff. As used in

this act, the terms "employee," "employ," and "employment" shall refer to all persons, whether employed or appointed, to whom the act applies. It is not, however, the intent of this act to grant the right of collective bargaining to persons in the employ of the Office of the Alachua County Sheriff who do not otherwise have that right pursuant to law.

(2) PERMANENT STATUS; CAUSE FOR SUSPENSION OR OF DISMISSAL --

(a) After an employee of the Sheriff to whom the provisions of this act apply has served in such employment for a period of 1 calendar year, such employee shall have attained permanent status in the Office of the Sheriff; provided that if an employee is placed on disciplinary probation for a period of 5 months or more or is terminated and rehired at a later date, said employee shall be required to complete 1 calendar year of service from the date of the action before being granted the right of appeal provided in Section 2. Any employee who is required to serve a probationary period attendant to a promotion shall retain permanent status in the Office of the Sheriff, but may be demoted to his prior rank during such probationary period without the right of appeal as provided in section 2.

(b) Any employee who has achieved permanent status in the Office of the Sheriff may only be suspended or dismissed for cause, provided that prior to such action, the employee must be furnished written notice of the proposed action and offered an opportunity to respond to the reasons for the suspension or dismissal. However, in extraordinary situations, such as when delay could result in damage or injury, an employee may be suspended or dismissed for cause immediately and provided notice thereof and reasons therefor therefore within 24 hours afterwards. Cause for suspension or dismissal shall include, but not be limited to, negligence, inefficiency or inability to perform assigned duties, insubordination, willful violation of the provisions of law or office rules, conduct unbecoming a public employee, misconduct, or habitual drug abuse. Cause for suspension or dismissal shall also include adjudication of guilt by a court of competent jurisdiction, a plea of guilty or of nolo contendere contenders, or a jury verdict of guilty when adjudication of guilt is withheld and the accused is placed on probation, with respect to any felony, misdemeanor or major traffic infraction. The filing of felony, misdemeanor, or major traffic infraction charges against an employee shall constitute cause for suspension.

(3) TRANSITION OF EMPLOYEES.--When a newly elected or appointed Sheriff assumes office, the new Sheriff shall continue the employment of all currently employed permanent personnel unless cause for dismissal, as provided herein, exists. However, the incoming Sheriff shall have the option of maintaining the current personnel assigned to the positions of Administrative Assistant, Chief Deputy, Legal Advisor, and Director. If the incoming Sheriff fills the above positions with new personnel, the current occupants of those positions shall be reduced to the rank of Captain, which rank shall be permanent unless later reduced by disciplinary demotion, and their salaries may be reduced accordingly. If the incoming Sheriff fills the Administrative Assistant position with a new employee, the current occupant of the position shall be transferred to another position for which the employee is qualified within the Office of the Sheriff. Actions taken pursuant to this subsection affecting the Chief Deputy, Legal Advisor, Director and

REVISED: _____

BILL NO. SB 695

DATE: April 22, 1986

Page 1

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. <u>Hetrick</u> <i>KH</i>	<u>Buck</u> <i>DB</i>	1. <u>ECCA</u>	_____
2. _____	_____	2. <u>RC</u>	_____
3. _____	_____	3. _____	_____

SUBJECT:

Gasparilla Island

BILL NO. AND SPONSOR:

SB 695 by
Senator Mann

I. SUMMARY:

A. Present Situation:

Currently, section 10 of Article III of the State Constitution requires that notice of intention to seek enactment of a local law be published in the manner provided by general law or that the local law, except for the referendum provision, be conditioned to take effect only upon approval by vote of the electors of the area affected.

The Gasparilla Island Conservation District Act (ch.80-473, L.O.F.), was enacted and approved in a local referendum in 1980 to protect a barrier island lying within the counties of Charlotte and Lee. Inside this district, restrictions were placed on development density, building heights, land use, and exterior advertising.

Chapter 83-385, L.O.F., amended s.4, ch.80-473, L.O.F., defining the term "dwelling unit" and rewriting the density restriction to clarify its application and computation. The requirements concerning constructing single-family dwellings on substandard lots, which are a part of a subdivision that was platted and recorded prior to the effective date of ch.80-473, L.O.F., was modified to provide that the density and other requirements of the act shall apply when a transfer of ownership of two or more contiguous, substandard lots occurs (other than by inheritance or will). Chapter 83-385, L.O.F., also provided that no local government body is permitted to grant variances or exceptions to any of the provisions of the act.

B. Effect of Proposed Changes:

Subsection (7) of s.4 ch.80-473, L.O.F., as amended by ch.83-385, L.O.F., is amended as follows. Notwithstanding the restriction that no local government body is permitted to grant variances or exceptions to any of the provisions of the act, either the Lee County or Charlotte County Boards of County Commissioners, in their respective counties, may grant the right to repair, renovate, or rebuild nonconforming existing dwelling units or structures occupied for use as of the effective date of ch.80-473, L.O.F., upon a finding by the respective Board of County Commissioners that the traditional use of such structures has served the public benefit. Such rebuilding or reconstructing of the nonconforming structure is limited to a density, building height, or use no greater than the present nonconforming use or the density which is authorized under the provisions of this act, whichever is greater. When a nonconforming use of a structure is abandoned for 12 consecutive months after being damaged or destroyed and no permits for reconstruction, renovation, or repair are

outstanding during that period, the Board of County Commissioners may not grant permission for use of the structure except in conformance with the provisions of this act and applicable county codes. "Nonconforming building or structure" and "traditional use" is defined.

The bill also creates the Gasparilla Inn Historic Resort Area and boundaries located in Lee County. The bill identifies traditional uses to be permitted in this area notwithstanding other restrictions of this act and provides that the residential density restrictions of this act do not apply if such residential density does not exceed 80 resort room accommodations, 109 employee dwelling units, and 56 other residential units. All other land uses and building standards within this historic area are governed by the provisions of this act or the Lee County Comprehensive Plan where not in conflict with this Act.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

None.

B. Government:

None.

III. COMMENTS:

According to Don Moody, the bill sponsor's aide, under current county codes restricting land use, one could not repair, renovate or rebuild traditional nonconforming uses in the Gasparilla Island Conservation District. The bill's modifications to the original act are designed to allow the Lee or Charlotte County boards of county commissioners the opportunity to permit the repair or rebuilding of existing uses which have been damaged or destroyed but which serve the public benefit.

The bill was referred to ECCA because Senate Rule 4.6 requires local bills which affect more than one county to be referred to a substantive committee.

IV. AMENDMENTS:

None.

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. <u>Hetrick</u> <i>KK</i>	<u>Buck</u> <i>DB</i>	1. <u>ECCA</u>	<u>Fav.</u>
2. _____	_____	2. <u>RC</u>	_____
3. _____	_____	3. _____	_____

SUBJECT:

Gasparilla Island

BILL NO. AND SPONSOR:

SB 695 by
Senator Mann

I. SUMMARY:

A. Present Situation:

Currently, section 10 of Article III of the State Constitution requires that notice of intention to seek enactment of a local law be published in the manner provided by general law or that the local law, except for the referendum provision, be conditioned to take effect only upon approval by vote of the electors of the area affected.

The Gasparilla Island Conservation District Act (ch.80-473, L.O.F.), was enacted and approved in a local referendum in 1980 to protect a barrier island lying within the counties of Charlotte and Lee. Inside this district, restrictions were placed on development density, building heights, land use, and exterior advertising.

Chapter 83-385, L.O.F., amended s.4, ch.80-473, L.O.F., defining the term "dwelling unit" and rewriting the density restriction to clarify its application and computation. The requirements concerning constructing single-family dwellings on substandard lots, which are a part of a subdivision that was platted and recorded prior to the effective date of ch.80-473, L.O.F., was modified to provide that the density and other requirements of the act shall apply when a transfer of ownership of two or more contiguous, substandard lots occurs (other than by inheritance or will). Chapter 83-385, L.O.F., also provided that no local government body is permitted to grant variances or exceptions to any of the provisions of the act.

B. Effect of Proposed Changes:

Subsection (7) of s.4 ch.80-473, L.O.F., as amended by ch.83-385, L.O.F., is amended as follows. Notwithstanding the restriction that no local government body is permitted to grant variances or exceptions to any of the provisions of the act, either the Lee County or Charlotte County Boards of County Commissioners, in their respective counties, may grant the right to repair, renovate, or rebuild nonconforming existing dwelling units or structures occupied for use as of the effective date of ch.80-473, L.O.F., upon a finding by the respective Board of County Commissioners that the traditional use of such structures has served the public benefit. Such rebuilding or reconstructing of the nonconforming structure is limited to a density, building height, or use no greater than the present nonconforming use or the density which is authorized under the provisions of this act, whichever is greater. When a nonconforming use of a structure is abandoned for 12 consecutive months after being damaged or destroyed and no permits for reconstruction, renovation, or repair are

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outstanding during that period, the Board of County Commissioners may not grant permission for use of the structure except in conformance with the provisions of this act and applicable county codes. "Nonconforming building or structure" and "traditional use" is defined.

The bill also creates the Gasparilla Inn Historic Resort Area and boundaries located in Lee County. The bill identifies traditional uses to be permitted in this area notwithstanding other restrictions of this act and provides that the residential density restrictions of this act do not apply if such residential density does not exceed 80 resort room accommodations, 109 employee dwelling units, and 56 other residential units. All other land uses and building standards within this historic area are governed by the provisions of this act or the Lee County Comprehensive Plan where not in conflict with this Act.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

None.

B. Government:

None.

III. COMMENTS:

According to Don Moody, the bill sponsor's aide, under current county codes restricting land use, one could not repair, renovate or rebuild traditional nonconforming uses in the Gasparilla Island Conservation District. The bill's modifications to the original act are designed to allow the Lee or Charlotte County boards of county commissioners the opportunity to permit the repair or rebuilding of existing uses which have been damaged or destroyed but which serve the public benefit.

The bill was referred to ECCA because Senate Rule 4.6 requires local bills which affect more than one county to be referred to a substantive committee.

IV. AMENDMENTS:

None.

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. <u>Hetrick</u> <i>HT</i>	<u>Buck</u> <i>DB</i>	1. <u>ECCA</u>	<u>Fav.</u>
2. _____	_____	2. <u>RC</u>	_____
3. _____	_____	3. _____	_____

SUBJECT:

Gasparilla Island

BILL NO. AND SPONSOR:

SB 695 by
Senator Mann

I. SUMMARY:

A. Present Situation:

Currently, section 10 of Article III of the State Constitution requires that notice of intention to seek enactment of a local law be published in the manner provided by general law or that the local law, except for the referendum provision, be conditioned to take effect only upon approval by vote of the electors of the area affected.

The Gasparilla Island Conservation District Act (ch.80-473, L.O.F.), was enacted and approved in a local referendum in 1980 to protect a barrier island lying within the counties of Charlotte and Lee. Inside this district, restrictions were placed on development density, building heights, land use, and exterior advertising.

Chapter 83-385, L.O.F., amended s.4, ch.80-473, L.O.F., defining the term "dwelling unit" and rewriting the density restriction to clarify its application and computation. The requirements concerning constructing single-family dwellings on substandard lots, which are a part of a subdivision that was platted and recorded prior to the effective date of ch.80-473, L.O.F., was modified to provide that the density and other requirements of the act shall apply when a transfer of ownership of two or more contiguous, substandard lots occurs (other than by inheritance or will). Chapter 83-385, L.O.F., also provided that no local government body is permitted to grant variances or exceptions to any of the provisions of the act.

B. Effect of Proposed Changes:

Subsection (7) of s.4 ch.80-473, L.O.F., as amended by ch.83-385, L.O.F., is amended as follows. Notwithstanding the restriction that no local government body is permitted to grant variances or exceptions to any of the provisions of the act, either the Lee County or Charlotte County Boards of County Commissioners, in their respective counties, may grant the right to repair, renovate, or rebuild nonconforming existing dwelling units or structures occupied for use as of the effective date of ch.80-473, L.O.F., upon a finding by the respective Board of County Commissioners that the traditional use of such structures has served the public benefit. Such rebuilding or reconstructing of the nonconforming structure is limited to a density, building height, or use no greater than the present nonconforming use or the density which is authorized under the provisions of this act, whichever is greater. When a nonconforming use of a structure is abandoned for 12 consecutive months after being damaged or destroyed and no permits for reconstruction, renovation, or repair are

outstanding during that period, the Board of County Commissioners may not grant permission for use of the structure except in conformance with the provisions of this act and applicable county codes. "Nonconforming building or structure" and "traditional use" is defined.

The bill also creates the Gasparilla Inn Historic Resort Area and boundaries located in Lee County. The bill identifies traditional uses to be permitted in this area notwithstanding other restrictions of this act and provides that the residential density restrictions of this act do not apply if such residential density does not exceed 80 resort room accommodations, 109 employee dwelling units, and 56 other residential units. All other land uses and building standards within this historic area are governed by the provisions of this act or the Lee County Comprehensive Plan where not in conflict with this Act.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

None.

B. Government:

None.

III. COMMENTS:

This bill passed both the House and Senate and has been enrolled.

According to Don Moody, the bill sponsor's aide, under current county codes restricting land use, one could not repair, renovate or rebuild traditional nonconforming uses in the Gasparilla Island Conservation District. The bill's modifications to the original act are designed to allow the Lee or Charlotte County boards of county commissioners the opportunity to permit the repair or rebuilding of existing uses which have been damaged or destroyed but which serve the public benefit.

The bill was referred to ECCA because Senate Rule 4.6 requires local bills which affect more than one county to be referred to a substantive committee.

IV. AMENDMENTS:

None.

A G E N D A

Economic, Community and Consumer Affairs

Pat Frank, Chairman
George Kirkpatrick, Vice-chairman

DATE: Wednesday, April 23, 1986
TIME: 2:00 P.M. - 5:00 P.M.
PLACE: Committee Room H, Senate Office Building

MEMBERS: Senator Pat Frank, Chairman (D-Tampa)
Senator George Kirkpatrick, Vice-Chairman (D-Gainesville)
Senator Edgar M. Dunn, Jr. (D-Daytona Beach)
Senator Mary R. Grizzle (R-Belleair Bluffs)
Senator Jeanne Malchon (D-St Petersburg)
Senator William G. Myers (R-Tequesta)
Senator George Stuart (D-Orlando)

TAB	BILL NO. AND INTRODUCER	RELATING TO:	BILL HISTORY			COMMITTEE	
			REF	DATE	ACTION	AM	ACTION
	SB 0405 Economic, Community and Consumer Affairs and others (Similar ENG/H 1342)	Hearing Aids/Dispensing of; (SUNSET) removes requirement of establishment of apprenticeship program; provides requirements for licensure, limits number of times person may take licensure exam; provides procedures for licensure renewal; specifies requirements for delivery of hearing aid devices; provides for establishment of trainee program; provides for mandatory refunds under certain circumstances, etc. Amends/revives/readopts Ch. 484	ECCA	04/08/86 04/14/86 04/23/86	Not considered Temporarily postponed CS		
			AP	04/29/86	WITHDRAWN		
2	SB 0137 Langley and others (Compare CS/H 0049, H 0119, H 0120, H 0766, S 0633, S 0972)	Mobile Home Act/Revisions; revises language re disclosure prior to rental of mobile home lot, prospectus, filing, & approval; provides additional requirements re prospectus or offering circular; revises language re mobile home lot rental agreements, duration of mobile home tenancy, & lot rental increases, provides that, in event of change in land use, park owner shall either buy mobile home or pay for relocation to certain other parks, etc. Amends Ch. 723.	ECCA	04/23/86 04/30/86	Temporarily postponed CS-QN CAL		

Economic, Community and Consumer Affairs
 DATE: Wednesday, April 23, 1986 TIME: 2.00 P.M. - 5.00 P.M

TAB	BILL NO. AND INTRODUCER	RELATING TO:	BILL HISTORY			COMMITTEE
			REF	DATE	ACTION	AM ACTION
3	SB 1030 Meek and others (Similar CS/H 1273, Compare H 0193, H 0384, CS/H 0897, H 0994, S 0100 S 0271, S 0417, S 0420, CS/S 0653, S 1058, S 1112 S 1197)	Affordable Housing & Mobile Homes; creates "Fla. Affordable Housing Act of 1986" & establishes a demonstration program; provides for designation of demonstration areas; establishes a zero- or reduced-interest loan program, provides uses of & restrictions on loan funds; creates "Fla. Mobile Home Relocation Site Acquisition & Development Act of 1986" & trust fund; provides for loans for suitable sites for relocation parks, etc. Amends Ch 420, 402.405, 421.08	ECCA FTC AP	04/23/86 04/30/86 05/05/86 05/13/86 05/22/86	Not considered Temporarily postponed CS WITHDRAWN FAVORABLE-ON CAL	
(if received in the committee)						
4	SB 0260 Frank and others (Similar CS/H 0350)	Cosmetology, defines manicuring, pedicuring, facials, & nail sculpturing; redefines shampooing; defines aesthetician & nail sculpturist; deletes definitions of specialists, & specialty; provides certain exemptions from licensure; provides registration for aestheticians & nail sculpturists; permits mobile cosmetology salons, etc. Amends Ch. 477, 476 044.	ECCA	04/17/86 04/23/86 04/30/86	Temporarily postponed Not considered CS-ON CAL	
5	SB 0167 Meek and others (Similar CS/ENG/H 0055)	Juvenile Welfare Services/Counties; authorizes each county to create an independent special district to provide juvenile welfare services; establishes boundaries of such district; provides for governing board of such district, provides for membership, powers, duties, & budgets; authorizes ad valorem tax levy, provides for referendum; provides spending limitations.	HRS ECCA FTC AP	04/15/86 04/23/86 05/07/86 06/02/86	CS CS/CS FAVORABLE WITHDRAWN	
6	SB 0695 Mann	Gasparilla Island/Land Use; (Charlotte & Lee Counties) defines criteria for traditional land use of Gasparilla Island, including Boca Grande Isles & Gasparilla Golf Course Island, Three Sisters Island, Hogans Key, & Loomis Island; establishes Gasparilla Inn Historic Resort Area, provides boundaries; provides for traditional use within the area, etc.	ECCA RC	04/23/86 05/20/86	FAVORABLE CONSIDERED-ON LOCAL CAL	

BILL ACTION REPORT

(XX-85: File with Secretary of Senate)

BILL NO. SB 695

COMMITTEE ON Economic, Community & Consumer Affairs

DATE April 23, 1986

DATE REPORTED April 24, 1986

TIME 2:00 pm - 5:00 pm

FINAL ACTION:

PLACE Committee Room H. SOB

Favorably with ___ amendments

OTHER COMMITTEE REFERENCES:
(In order shown)

___ Favorably with Committee Substitute

___ Unfavorably

RC _____

OTHER: ___ Temporarily Passed

___ Reconsidered

___ Not Considered

THE VOTE WAS:

FINAL BILL VOTE		SENATORS										
Aye	Nay		Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay
x		Dunn										
x		Grizzle										
x		Malchon										
x		Myers										
x		Stuart										
		VICE CHAIRMAN Kirkpatrick										
x		CHAIRMAN Frank										
6												
		TOTAL										
Aye	Nay		Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay

(Attach additional page if necessary)

Please Complete: The key sponsor appeared ()
 A Senator appeared ()
 Sponsor's aide appeared (x)
 Other appearance ()

COMMITTEE APPEARANCE RECORD
(Submit to Committee Chairman or Secretary)

4-23-86

(date)

695

(Bill No.)

Name JACK R. HARPER

Address HARBOR DRIVE P.O. Box 715 BOCA GRANDE, FLA. 33921

Representing MILLERS MARINA, INC.

Lobbyist (Registered with Senate)

Yes

No

Speaking:

For

Against

Information

Subject GASPRILLA ISLAND, BOCA GRANDE, Lee County

If state employee--

Time: from _____ .m. to _____ .m.

(State employees are required to file the first copy of this form with Committee Chairman unless appearance is requested by chairman as a witness or for informational purposes.)