

By Senator Jones

40-1509-98

See HB

1                                   A bill to be entitled  
2           An act relating to the Old Keys Bridges located  
3           in Monroe County; amending chapter 86-304, Laws  
4           of Florida; providing legislative intent;  
5           providing that title to the bridges shall be  
6           held by the Board of Trustees of the Internal  
7           Improvement Trust Fund; providing an exception;  
8           authorizing rather than requiring the board to  
9           offer certain leases with respect to the  
10          bridges; revising language with respect to such  
11          leases; limiting commercial use of the bridges;  
12          eliminating obsolete language with respect to  
13          appropriations; providing an effective date.

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

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17           Section 1. Chapter 86-304, Laws of Florida, is amended  
18 to read:

19           Section 1. (1)(a) Title to those bridges identified  
20 as Old Keys Bridges shall be held by the Board of Trustees of  
21 the Internal Improvement Trust Fund, except for that portion  
22 of Seven Mile bridge from Knights Key to Pigeon Key. Title to  
23 this bridge shall remain with the Department of  
24 Transportation.~~The Department of Transportation shall~~  
25 ~~transfer title to those bridges identified as Old Keys~~  
26 ~~Bridges, including the Old Bahia Honda Bridge, by the State~~  
27 ~~Bridge Management Committee created by chapter 83-357, Laws of~~  
28 ~~Florida, to the Board of Trustees of the Internal Improvement~~  
29 ~~Trust Fund to manage, through agreements with other public and~~  
30 ~~private entities, in accordance with the recommendations of~~  
31 ~~the State Bridge Management Committee. If, after such~~

1 ~~transfer, the Department of Transportation determines that any~~  
2 ~~Old Keys Bridge or associated right-of-way is needed for~~  
3 ~~transportation purposes, the board shall lease said facility~~  
4 ~~back to the Department of Transportation.~~

5 (b) It is the express intent of the Legislature that  
6 the provisions of chapter 86-304, Laws of Florida, expressed  
7 in the Whereas Clauses of that act, are hereby repealed,  
8 rescinded, and nullified by the adoption of this act and may  
9 no longer be considered as evidence of the intent of the  
10 Legislature in adopting chapter 86-304, Laws of Florida, or  
11 any amendments thereto.

12 (2) The board of trustees may ~~shall~~ offer for lease,  
13 through direct negotiation with governmental or nonprofit  
14 ~~historic preservation organizations or~~ competitive request  
15 for sealed proposals with other public or private entities, or  
16 ~~competitive bids,~~ one or more of the Old Keys Bridges and  
17 associated approach rights-of-way located in Monroe County in  
18 order to provide recreational, tourist, ~~restaurant,~~  
19 commercial, or public service facilities for the use or  
20 benefit of the public. Any lease must be in compliance with  
21 the local comprehensive plan and applicable zoning  
22 requirements. When considering proposals, the board shall  
23 select the proposal which best satisfies the conditions of  
24 quality service and operation in keeping with the functional  
25 and historic qualities of the bridges. Commercial use of the  
26 bridges shall be only those uses that support the public  
27 recreational use without any permanent structures. Any leasing  
28 shall be consistent with the recommendations of the Old Keys  
29 Bridges Task Force. The primary use shall be a public purpose  
30 and all other uses shall be secondary. Factors used in

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1 evaluating proposals shall include, but not be limited to, the  
2 following:

- 3 (a) Financial capability of the provider;
- 4 (b) Willingness to contribute toward the maintenance  
5 of the bridges, rights-of-way, and associated structures;
- 6 (c) Type and quality of service or operation offered;
- 7 (d) Pricing of the service or operation offered;
- 8 (e) Management experience and capabilities;
- 9 (f) The proposal's compatibility with ~~Originality of~~  
10 ~~concept and its relationship to the~~ aesthetic, functional, and  
11 historic qualities of the bridges and the region;
- 12 (g) Lease rates; and
- 13 (h) Other factors as the board may deem pertinent.

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15 The primary use shall be a public purpose and other uses are  
16 secondary. Such leases shall not create any third party  
17 beneficiary rights in any person not a party to the lease. The  
18 board may adopt rules to implement this subsection.

19 (3) Pursuant to subsection (2), leases for the Old  
20 Keys Bridges and associated rights-of-way to other public or  
21 private entities shall contain provisions that allow for the  
22 use of the bridges ~~and associated rights-of-way for~~  
23 ~~transportation purposes~~ in emergency situations to the extent  
24 practicable ~~and shall contain provisions that allow for~~  
25 ~~cancellation of the leases upon 6 months' notice if the~~  
26 ~~Department of Transportation determines the facility is needed~~  
27 ~~for transportation purposes.~~

28 (4) All leases of the Old Keys Bridges and associated  
29 rights-of-way shall be subject to all existing utility  
30 facilities located in, upon, over, or under the leased  
31 property, and throughout the term of a lease the utilities

1 shall at all times have the right of ingress and egress to  
2 said property for the purpose of operating, removing, adding  
3 to, or relocating the existing facilities. However, the right  
4 of the utilities to place and maintain future facilities in,  
5 upon, over, or under the property shall be subject to approval  
6 by the entity holding title to the property.

7 (5) Before the transfer of title of the Old Keys  
8 Bridges as provided for in this act, the Department of  
9 Transportation, and after said transfer, the Board of Trustees  
10 of the Internal Improvement Trust Fund, shall post and  
11 maintain a permanent notice on any abandoned Old Keys Bridge  
12 which shall inform the public that the bridge is closed to all  
13 public use and the maintenance and inspection of the bridge  
14 have been discontinued. Upon the posting of such notice, the  
15 Department of Transportation or board shall be under no  
16 further duty to maintain or inspect the bridge or to warn of  
17 any hazard or danger, whether readily apparent or not.

18 (6) The Department of Environmental Protection  
19 ~~Regulation~~, the Department of Transportation, and the  
20 Department of State shall cooperate with the board and  
21 agencies of the Federal Government in executing agreements for  
22 the feasible and prudent management of the Old Long Key and  
23 Seven Mile Bridges which are included in the National Register  
24 of Historic Places. The agreements shall provide for  
25 management plans for the two bridges, to include preservation  
26 of portions of the bridges for public pedestrian use and as  
27 historic and cultural resources. Preservation shall be  
28 consistent with recommended approaches for such historic  
29 structures; however, the extent of the portions of the bridges  
30 to be preserved shall be limited to prevent unreasonable or  
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1 disproportionate maintenance costs and hazardous conditions  
2 for the public.

3 (7) As used in this section, "utility" includes any  
4 person or corporation providing utility facilities as defined  
5 in s. 337.401, Florida Statutes, and all agents, servants, and  
6 employees of said person or corporation.

7 (8) The provisions hereof shall not be deemed to  
8 create or increase the standard of care of any person.

9 (9) If any provision of this act or the application  
10 thereof to any person or circumstance is held invalid, it is  
11 the legislative intent that the invalidity shall not affect  
12 other provisions or applications of the act which can be given  
13 effect without the invalid provision or application, and to  
14 this end the provisions of this act are declared severable.

15 ~~Section 2. There is hereby appropriated \$46,378 and~~  
16 ~~two Career Service positions from the General Revenue Fund to~~  
17 ~~the Department of Natural Resources to accomplish the purposes~~  
18 ~~of this act.~~

19 Section 2. This act shall take effect July 1 of the  
20 year in which enacted.

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23 LEGISLATIVE SUMMARY

24 Revises chapter 86-304, Laws of Florida, relating to the  
25 Old Keys Bridges located in Monroe County to:  
26 1. Rescind obsolete legislative intent contained in  
27 Whereas Clauses adopted with the original act.  
28 2. Provide that title to the bridges shall be held  
29 by the Board of Trustees of the Internal Improvement  
30 Trust Fund with a described exception.  
31 3. Allow rather than require the board to offer the  
bridges for lease to certain organizations, and provide  
for limitations on commercial uses of the bridges.  
4. Remove obsolete provisions.

(See bill for details.)