

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 1010
SPONSOR: Senator Silver
SUBJECT: Road Designations
DATE: February 16, 2002 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	McAuliffe	Meyer	TR	Favorable
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill designates a portion of Le Jeune Road within the city limits of Coral Gables as a state historic road. It prohibits the use of state funds to widen or broaden this section of road, or to alter, remove, or replace any existing landscaping.

The bill directs the Florida Department of State’s Division of Historical Resources to provide for suitable markers noting the designation. The cost of the markers could range from \$1,400 to \$1,600. Under the provisions of 267.074, F.S., these costs will typically be paid, either in whole or part, by the local sponsors of the designation.

The bill takes effect upon becoming a law.

II. Present Situation:

Florida statutes provide varying degrees of guidance on the process of designating state highways as scenic or historic; roads and bridges also may receive honorary or commemorative designations.

The Department of Transportation is responsible for implementing legislation designating a scenic highway, pursuant to s. 335.093, F.S., or designating a road or bridge in honor of individuals, groups, or events, pursuant to s. 334.071, F.S.

Sections 267.061 and 267.074, F.S., outline the policy and criteria for evaluating, designating, protecting, and marking historic highways, buildings, lands, and other properties in Florida. The Bureau of Historic Preservation, within the Department of State’s Division of Historical Resources, manages this program. Typically, the Division reviews applications for

recommended historic designations; however, historic state highways are designated by passage of legislation, pursuant to s. 267.074(2)(b), F.S. Florida has at least 11 state historic highways that generally are protected from actions, such as unnecessary removal of adjacent trees, which would change the roads' character.

Although each historic highway designation is unique, they share a common requirement of maintaining the existing character and landscaping along the road. The legislation designating these historic highways generally prohibits the use of state funds to remove the adjacent trees unless they are diseased or damaged so that they pose a hazard.

III. Effect of Proposed Changes:

The bill designates a portion of Le Jeune Road within the city limits of Coral Gables, and lying between U.S. 1 and Cartagena Plaza, as a state historic road. The bill prohibits the use of state funds to widen or broaden this section of road, or to alter its physical dimensions or location. It also prohibits state funds from being used to alter, remove, or replace any existing landscaping, including the mahogany trees that line the road.

The bill clarifies that its passage shall not be construed to prevent:

- Ordinary maintenance and repair of this section of Le Jeune Road, as long as the road's dimensions and location are not altered, nor
- The removal of the landscaping and mahogany trees which an "appropriate governmental authority" has determined are either diseased or damaged, or which endanger public health or safety, nor
- The removal of invasive non-native species, nor
- The removal of fallen trees so that the road can be cleared after a hurricane or other natural disaster.

The bill defines "ordinary maintenance" as activities necessary to preserve the existing traffic patterns and to accommodate the volume of traffic using this stretch of Le Jeune Road as of the bill's effective date. It further specifies that preservation of the road shall take precedence over considerations of traffic management, and public safety shall not be construed to mean removing the existing landscaping or altering the road when alternatives are available.

Further, the bill directs the Division of Historical Resources to provide for the erection of suitable markers along the road, alerting the public of the designation.

Finally, the bill specifies that its provisions shall not supersede a more restrictive law, ordinance, or rule already in effect or taking effect after it becomes law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill directs the Florida Department of State's Division of Historical Resources to provide for suitable markers noting the designation. The cost of the markers could range from \$1,400 to \$1,600. Under the provisions of 267.074, F.S., these costs will typically be paid, either in whole or part, by the local sponsors of the designation.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.