

# 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: CS/SB 1122

SPONSOR: Transportation Committee and Senator Sebesta

SUBJECT: The Designation of Transportation Facilities

DATE: March 8, 2002

REVISED: 03/11/02 \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>McAuliffe</u>	<u>Meyer</u>	<u>TR</u>	<u>Favorable/CS</u>
2.	<u>Wilson</u>	<u>Wilson</u>	<u>GO</u>	<u>Fav/1 amendment</u>
3.	_____	_____	<u>RC</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

## I. Summary:

The Committee Substitute (CS) provides that the Legislature may not consider establishing a road or bridge designation that names a person unless the person has been deceased for at least 2 years. The CS provides that legislation may be introduced designating a road or bridge for a person who has not been deceased for more than two years if the local government has approved the designation by resolution. The CS provides that if a road or bridge has been previously designated, then it may not be redesignated unless the local government has approved the designation by resolution and the previous designation is removed.

This CS creates section 335.081, and repeals section 334.071 of the Florida Statutes.

## II. Present Situation:

Section 334.071, F.S., provides that any designation of a transportation facility contained in an act of the Legislature is for honorary or memorial purposes or to distinguish a particular facility, and may not be construed to require any action by local government or private parties regarding the changing of any street signs, mailing address, or 911 emergency telephone number system listing, unless the legislation specifically provides for such changes. The section further provides when the Legislature establishes road or bridge designations, the Florida Department of Transportation (FDOT) is required to place markers only at the termini specified for each highway segment or bridge designated by the law creating the designation.

Each legislative session, numerous road and bridge designation bills are filed in the House of Representatives and the Senate. House Bill 1053 (vetoed) from the 2001 legislative session contained 20 road and bridge designations. There is currently no provision in law that restricts

one segment of state road from having numerous designations, and local governments currently have no input as to the naming of a state road within its boundaries.

### **III. Effect of Proposed Changes:**

This CS creates s. 335.081, F.S., providing that when the Legislature establishes road or bridge designations the FDOT is required to place markers only at the termini specified for each highway segment or bridge designated by the law creating the designation. The CS clarifies road designations are for honorary or memorial purposes only and do not require a local government or private party to change any street sign, mailing address, or listing in an emergency-telephone-number system.

The CS further provides that the Legislature may not consider establishing a road or bridge designation that names a person unless the person has been deceased for at least 2 years. The section provides legislation may be introduced designating a road or bridge for a person who has not been deceased for more than two years if:

- The road or bridge designation has been approved by resolution by the governing body of the local government in which the road or bridge is located (i.e. the county commission for unincorporated areas, or city commission within the city limits). If the road is located within more than one jurisdiction, the designation must be approved by resolution by all affected local governing bodies.

The CS provides that if a road or bridge has been previously designated, then it may not be redesignated unless:

- The road or bridge designation has been approved by resolution by the governing body of the local government in which the road or bridge is located. If the road is located within more than one jurisdiction, the designation must be approved by resolution by all affected local governing bodies; and
- The previous designation is removed.

The CS repeals section 334.071, F.S., which is duplicative of s. 335.081, F.S.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

#### **C. Trust Funds Restrictions:**

None.

**D. Other Constitutional Issues:**

The CS attempts to limit the ability of the legislative branch to consider proposals that do not meet the criteria established for the designation of roads and bridges. This provision effectively places a statutory restriction on the constitutional prerogatives of that branch. Only the Constitution may bind the Legislature.<sup>1</sup>

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

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

“Other Constitutional Issues,” above, discusses an infirmity in the limitation placed on the internal operations of the legislative branch. A corrective amendment is suggested.

**VII. Related Issues:**

None.

**VIII. Amendments:**

#1 by Governmental Oversight and Productivity:

Revises the requirements for road and bridge designation to avoid placing a limitation on the Legislature’s ability to introduce proposed bills.

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This Senate staff analysis does not reflect the intent or official position of the bill’s sponsor or the Florida Senate.

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<sup>1</sup> *Neu v. Miami Herald Publishing Company*, 462 So.2d 821 (Fla. 1985).