

STORAGE NAME: h1459.ca

DATE: April 1, 1997

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
COMMUNITY AFFAIRS
BILL ANALYSIS & ECONOMIC IMPACT STATEMENT - LOCAL LEGISLATION**

BILL #: HB 1459

RELATING TO: Escambia County (Old Pensacola Bay Bridge)

SPONSOR(S): Representatives Maygarden and others

COMPANION BILL(S): None

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

- (1) COMMUNITY AFFAIRS
 - (2)
 - (3)
 - (4)
 - (5)
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I. SUMMARY:

The Old Pensacola Bay Bridge is a concrete and steel bridge which crosses the Pensacola Bay from Escambia County to Santa Rosa County. This bill conveys a perpetual easement over sovereignty submerged lands beneath the bridge to Escambia County to permit the maintenance and operation of the bridge for public recreational use. In addition, the bill authorizes Escambia County to contract with private entities to maintain and operate the bridge under contract and vests the private entity with legal right to the use of the easement.

This bill may have a minor fiscal impact on local government through increased public recreational use costs (due to the addition of the bridge, which could be offset by user fees or increased revenues generated by user fees, which could be offset by increased public recreational costs).

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

The Old Pensacola Bay Bridge is a concrete and steel bridge which crosses the Pensacola Bay from Escambia County to Santa Rosa County. The middle part of the bridge has been removed to aid navigation on Pensacola Bay.

In 1961, the Legislature passed chapter 61-676, Laws of Florida, conveying the title of the bridge from the State Road Department to Escambia County.

In 1963, the Legislature passed chapter 63-1042, Laws of Florida, conveying the portion of the bridge that was located within Santa Rosa County and attached to the shoreline of Pensacola Bay in Santa Rosa County to Santa Rosa County. A perpetual easement limited to the following was granted in favor of Escambia County and the Santa Rosa Island Authority:

“the maintenance of any existing water lines and utility lines, pipes or conduits, and for the installation and maintenance of water lines, gas lines, power and telephone lines or cables, and any and all other kinds of lines, mains, pipes, cables or conduits for conveying or transmitting portion of said bridge and waters and bay bottoms in or upon which it stands.”

Therefore, the current perpetual easement which has been granted Escambia County and the Santa Rosa Island Authority is limited to the activities listed above.

B. EFFECT OF PROPOSED CHANGES:

This bill would expand the authorized activities under the present perpetual easement to include the following: permit the maintenance and operation of the bridge for public recreational use, use of the bridge as a fishing pier, and related uses of the bridge when used as a fishing pier.

C. LAWS OF FLORIDA/FLORIDA STATUTES AFFECTED:

Creates new law.

D. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

Not applicable (N/A).

- (2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

N/A

- (3) any entitlement to a government service or benefit?

N/A

- b. If an agency or program is eliminated or reduced:

- (1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

- (2) what is the cost of such responsibility at the new level/agency?

N/A

- (3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

- a. Does the bill increase anyone's taxes?

No.

- b. Does the bill require or authorize an increase in any fees?

Maybe. The bill allows Escambia County to maintain and operate the bridge for public recreational use. The bill also authorizes Escambia County to enter into contracts with private entities to maintain and operate the bridge for public recreational use. Generally, these types of fees must be reasonably related to the general cost of providing the service.

- c. Does the bill reduce total taxes, both rates and revenues?

No.

- d. Does the bill reduce total fees, both rates and revenues?

Indeterminate, see previous comment.

- e. Does the bill authorize any fee or tax increase by any local government?

Indeterminate, see previous comment.

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No.

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

Indeterminate, see previous comment.

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

No.

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No.

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

N/A

(1) Who evaluates the family's needs?

(2) Who makes the decisions?

(3) Are private alternatives permitted?

(4) Are families required to participate in a program?

(5) Are families penalized for not participating in a program?

b. Does the bill directly affect the legal rights and obligations between family members?

N/A

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

N/A

(1) parents and guardians?

(2) service providers?

(3) government employees/agencies?

E. SECTION-BY-SECTION ANALYSIS:

Section 1: Grants a perpetual easement to Escambia County over sovereignty submerged lands to permit the maintenance and operation of the Old Pensacola Bay Bridge for public recreational use.

Section 2: Allows any private entities which enter into a contract with Escambia County to operate and maintain the Old Pensacola Bay Bridge to also be vested with the legal right to use the easement limited by the terms and conditions of the contract.

Section 3: Provides that in the event this act, or application of this act, or any circumstance of this act is invalid, that the other provisions of this act remain valid.

Section 4: Establishes that this act takes effect upon becoming a law.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes [x] No []

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IF YES, WHEN? January 30, 1997

WHERE? Pensacola News Journal, Pensacola, Escambia County, Florida

B. REFERENDUM(S) REQUIRED? Yes [] No [x]

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached [x] No []

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached [x] No []

IV. COMMENTS:

None.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VI. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:
Prepared by:

Legislative Research Director:

Tonya Sue Chavis, Esquire

Jenny Underwood Dietzel