

STORAGE NAME: h3903z.tr
DATE: June 6, 1998

****FINAL ACTION****
****SEE FINAL ACTION STATUS SECTION****

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
TRANSPORTATION
FINAL BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: HB 3903 (Passed as SB 1750)
RELATING TO: The Old Keys Bridges/Monroe County
SPONSOR(S): Rep. Horan
COMPANION BILL(S): SB 1750

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

- (1) TRANSPORTATION
- (2) WATER & RESOURCE MANAGEMENT
- (3)
- (4)
- (5)

I. FINAL ACTION STATUS:

On April 24, 1998, SB 1750 (a companion measure to HB 3903), was passed by the Senate. The House passed the senate bill on April 29, 1998. Please refer to SB 1750, which became Chapter 98-155, Laws of Florida, without the Governor's signature. The analysis that follows is applicable to SB 1750.

II. SUMMARY:

This bill amends chapter 86-304, Laws o Florida, to implement the recommendations of the Old Keys Bridges Task Force established by the Governor's Executive Order 97-253. The bill deletes obsolete language and clarifies that title to the Old Keys Bridges located in Monroe County is given to the Board of Trustees of the Internal Improvement Trust Fund (Trustees), except the portion of the Seven Mile Bridge from Knights Key to Pigeon Key, which remains with the Department of Transportation (DOT). The bill allows the Trustees to lease the bridges primarily for public purposes and in compliance with the recommendations of the task force, the local comprehensive plan, and applicable zoning requirements.

The bill has no fiscal impact to the state or local governments. The Department of Environmental Protection (DEP) is currently funding the maintenance of the Old Keys Bridges with \$100,000 appropriated from the State Park Trust Fund. If recreational leases or other commercial uses of the Old Keys Bridges are to be implemented, DEP may require additional resources in the future to cover administrative costs related to managing these lease agreements.

III. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

The Old Keys Bridges were abandoned to vehicular traffic in the 1980s when replacement bridges were built. The DOT converted some of these bridges into fishing piers and removed certain spans from the bridges to ensure safe navigation and to isolate certain sections that were not safe. The remaining bridges were abandoned to public use but can still be accessed by foot. The DOT has transferred title to the bridges (except for that portion of Seven Mile Bridge between Pigeon Key and Marathon) to the Trustees.

Over the years several private persons have expressed interest in leasing one or more of the bridges. None of these inquiries ever materialized into a bridge actually being leased. While there is interest in the bridges, there is significant concern over the cost of management, maintenance, and structural liability.

On August 14, 1997, Governor Chiles created by Executive Order 97-253, the Old Keys Bridges Task Force. The Task Force was charged with the responsibility of reviewing and analyzing all aspects of the Old Keys Bridges and recommending a course of action for their future use or disposition, and any necessary changes to Chapter 86-304, Laws of Florida, which governs the Old Keys Bridges.

When the bridges were taken out of use as transportation facilities, no managing agency was designated to care for them and recurring revenues were not provided to fund maintenance and operation of the bridges. Until recently DOT continued to provide minimal litter control and roadside maintenance, even though the bridges were no longer part of the state transportation system. Currently, DEP is paying for this service with funds appropriated to it during the 1997-98 fiscal year.

The task force's report recommended that the Old Keys Bridges be used as part of a greenway and trail system in Monroe County and made a number of recommendations regarding state and local governments' role in developing this trail system. In addition, the task force recommended that Chapter 86-304, Laws of Florida, should be amended to implement the report's findings.

B. EFFECT OF PROPOSED CHANGES:

The bill deletes obsolete language in Chapter 86-304, Laws of Florida, and clarifies that title to the bridges is vested with the Trustees, except for that portion of the Seven Mile Bridge from Knights Key to Pigeon Key, which will continue to be owned by the DOT.

The Trustees are authorized to lease the bridges to governmental or non-profit organizations and to commercial entities through requests for proposal. The primary use of the bridges must be for public recreational purposes and any commercial use of the bridges must support the public recreational use without any permanent structures. Any lease must be in compliance with the local comprehensive plan, applicable zoning requirements, and be consistent with the task force's recommendations.

Provisions permitting the use of rights-of-way for emergency transportation purposes are deleted, and the use of bridges in emergencies is limited to practicable uses. Provisions requiring cancellation clauses in leases should the DOT need to use the leased areas are also deleted, as is an outdated appropriation.

The whereas clauses of Chapter 86-304, Laws of Florida, are repealed. These clauses stated that the replaced bridges were: surplus to transportation needs; the responsibility of DOT; a possible future transportation alternative; and more costly than the public could afford to maintain. The clauses also prohibited the interference of any lease with the facilities of a utility already in existence on a bridge, referenced the State Bridge Management Committee's recommendation of a management plan, and directed DOT and the Trustees to work together in implementing a plan that serves a public purpose. The bill directs that the clauses may no longer be considered as evidence of the intent of the Legislature in adopting Chapter 86-304, Laws of Florida.

C. 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?

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?

N/A

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

N/A

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

N/A

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

N/A

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

N/A

3. Personal Responsibility:

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

N/A

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

N/A

4. Individual Freedom:

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

N/A

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

N/A

5. Family Empowerment:

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

- (1) Who evaluates the family's needs?

N/A

- (2) Who makes the decisions?

N/A

- (3) Are private alternatives permitted?

N/A

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

N/A

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

N/A

- 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:

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

N/A

E. SECTION-BY-SECTION RESEARCH:

N/A

IV. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

See Fiscal Comment D.

3. Long Run Effects Other Than Normal Growth:

See Fiscal Comment D.

4. Total Revenues and Expenditures:

See Fiscal Comment D.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

N/A

2. Direct Private Sector Benefits:

The public would benefit from better managed bridges through increased recreational use. Any persons leasing bridges could realize profits from the enterprise. If the bridges do become part of a recreational trail system, there could be increased opportunities for service-based businesses.

3. Effects on Competition, Private Enterprise and Employment Markets:

N/A

D. FISCAL COMMENTS:

The bill has no fiscal impact on the state. DEP is currently funding the maintenance of the Old Keys Bridges with \$100,000 appropriated from the State Park Trust Fund. If recreational leases or other commercial uses of the Old Keys Bridges are to be implemented, DEP may require additional resources in the future to cover administrative costs related to managing these lease agreements.

V. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

N/A

B. REDUCTION OF REVENUE RAISING AUTHORITY:

N/A

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

N/A

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VI. COMMENTS:

N/A

VII. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VIII. SIGNATURES:

COMMITTEE ON TRANSPORTATION:

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