

By Representative Horan

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7 in the Whereas Clauses of that act are hereby repealed,
8 rescinded, and nullified by the adoption of this act and may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 which 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
31

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.

14
15 Such leases shall not create any third party beneficiary
16 rights in any person not a party to the lease. The board may
17 adopt rules to implement this subsection.

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

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

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

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

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

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

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

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

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

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

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21 HOUSE SUMMARY

22 Revises chapter 86-304, Laws of Florida, relating to the
23 Old Keys Bridges located in Monroe County to:

- 24 1. Rescind obsolete legislative intent language
25 contained in Whereas Clauses adopted with the original
26 act.
27 2. Provide that title to the bridges shall be held
28 by the Board of Trustees of the Internal Improvement
29 Trust Fund with a described exception.
30 3. Provide that the board may, rather than shall,
31 offer the bridges for lease to certain organizations and
provide for limitations on commercial uses of the
bridges.
4. Remove obsolete language.

See bill for details.