

STORAGE NAME: h0325a.ric.doc
DATE: January 30, 2002

**HOUSE OF REPRESENTATIVES
AS REVISED BY
READY INFRASTRUCTURE COUNCIL
ANALYSIS**

BILL #: HB 325
RELATING TO: State Historic Highway/Le Jeune Road
SPONSOR(S): Representative(s) Prieguez

TIED BILL(S):

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

- (1) TRANSPORTATION YEAS 12 NAYS 0
- (2) FISCAL POLICY AND RESOURCES YEAS 13 NAYS 0
- (3) READY INFRASTRUCTURE COUNCIL YEAS 16 NAYS 0
- (4)
- (5)

I. SUMMARY:

Sections 267.061 and 267.074, F.S., outline the policy and criteria for designating, protecting, and marking historic properties, including highways, in Florida. The Bureau of Historic Preservation, within the Department of State's Division of Historical Resources, manages this program. Many potential historic properties are recommended for designation via an application process established by the Division. However, state historic highways are designated by legislative action. 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.

The 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, including the decades-old mahogany trees that line the road.

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. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|--|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

Less Government: State government is required to erect and maintain suitable markers.

B. 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, ranging from Calle Ocho in Miami to the Old Apopka Road. North Ocean Boulevard, which is a section of Highway A1A in Palm Beach County, is both a scenic highway and a historic highway.

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.

C. 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.

D. **SECTION-BY-SECTION ANALYSIS:**

Section 1: Designates a portion of Le Jeune Road as a state historic road. Prohibits use of state funds for certain purposes. Clarifies intent.

Section 2: Directs Division of Historical Resources to erect suitable markers.

Section 3: Specifies that the provisions of this act shall not supersede more restrictive laws, ordinances, or rules already in effect or which may take effect in the future.

Section 4: Specifies this act shall take effect upon becoming a law.

III. **FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:**

A. **FISCAL IMPACT ON STATE GOVERNMENT:**

1. **Revenues:**

None.

2. **Expenditures:**

Indeterminate at this time. Staff of the Bureau of Historic Preservation estimated that the markers could cost from \$1,400 to \$1,600. In some cases, the local group sponsoring the designation pays the entire cost of the markers. In other instances, the local group applies for a marker grant from the Division of Historical Resources, which would pay for half.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

Insignificant. The cost of erecting markers is insignificant. Moreover, 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.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

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

A. APPLICABILITY OF THE MANDATES PROVISION:

The mandates provision is not applicable to an analysis of the bill because the bill does not require cities or counties to expend funds, or to take actions requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

The bill does not reduce the revenue-raising authority of counties or municipalities, in the aggregate.

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

The bill does not reduce the state tax revenues shared with counties or municipalities, in the aggregate.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

The bill does not raise any constitutional issues.

B. RULE-MAKING AUTHORITY:

The Division of Historical Resources has sufficient rulemaking authority to implement the bill.

C. OTHER COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

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VII. SIGNATURES:

READY INFRASTRUCTURE COUNCIL:

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AS FURTHER REVISED BY THE READY INFRASTRUCTURE COUNCIL:

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