

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS: The bill does not appear to implicate any of the House Principles.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

In 1974, the Legislature designated Old Cutler Road in Miami-Dade County as a state historic highway. The limits of the designation extend from the road's intersection with U.S. 1 in Goulds, northward and eastward, encompassing portions currently known as LeJeune Road, Ingraham Highway, Douglas Road, and Main Highway to its intersection with Franklin Avenue in Coconut Grove.

As part of the designation, no public funds may be expended for the following purposes:

- To cut or remove any tree having at least a six inch diameter from within 35 feet of either side of the pavement;
- To alter the physical dimensions of the roadway except for intersections with primary or secondary roads; or
- To erect, demolish, or significantly alter the appearance of any structure within 100 feet of either side of the pavement, including walls, fences, sidewalks, and curbing. However, bicycle paths and recreational facilities not requiring the removal of historic structures and structural modifications preserving or enhancing the road's historic or scenic value may be made with approval of the Department of State.

Normal maintenance and repair of the road and affected structures is allowed provided the physical dimensions and location of the road, and appearance of affected structures are preserved, as is any work necessary to protect public health and safety as determined by the agency with jurisdiction over the portion of the road involved. However, preservation of the road takes priority over traffic management. Likewise, safety modifications may not be made when alternative measures, including more restrictive traffic regulations, are available.

Proposed Changes

This bill amends the original designation legislation to allow alterations to a limited portion of Old Cutler Road, and requires approval from the Department of State's Division of Historical Resources. Currently, there are 10 "Historic Highways" designated by the Florida Legislature that require specified alterations be approved by the Department of State's Division of Historical Resources. "Historic Highway" reviews are an extremely small portion of the Division's Compliance and Review Section workload, with one to two such reviews required annually. This bill is not expected to increase this workload to any great degree, and the impact on staff would be negligible.

The bill allows public funds to be used for alterations including the installation of sidewalks, curbing, and landscaping intended to enhance pedestrian access to that portion of the road between S.W. 184th Street and S.W. 216th Street in the Town of Cutler Bay. The Department of State must approve any alteration.

C. SECTION DIRECTORY:

Section 1: Creates section 7 within Chapter 74-400, Laws of Florida, allowing public funds to be used for alterations including the installation of sidewalks, curbing, and landscaping intended to enhance pedestrian access to that portion of the road between S.W. 184th Street and S.W. 216th Street in the Town of Cutler Bay. The Department of State must approve any alteration.

Section 2: Provides an effective date of July 1, 2007.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill permits the use of public funds for purposes currently prohibited by law. However, it does not require expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

The bill permits the use of public funds for purposes currently prohibited by law. However, it does not require expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY: None.

C. DRAFTING ISSUES OR OTHER COMMENTS: None.

D. STATEMENT OF THE SPONSOR

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PAGE: 3

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES