

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/CS/HB 827

State Road & Bridge Designations

SPONSOR(S): Economic Development & Community Affairs Policy Council; Roads, Bridges & Ports Policy Committee; Bovo and others

TIED BILLS:

IDEN./SIM. BILLS:

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1)	Roads, Bridges & Ports Policy Committee	10 Y, 0 N, As CS	Johnson	Miller
2)	Economic Development & Community Affairs Policy Council	12 Y, 0 N, As CS	Johnson	Tinker
3)				
4)				
5)				

SUMMARY ANALYSIS

Section 334.071, F.S., provides for legislative designations of transportation facilities for honorary or memorial purposes, or to distinguish a particular facility. The legislative designations do not “officially” change the current names of the facilities, nor does the statute require local governments and private entities to change street signs, mailing addresses, or 911 emergency telephone-number system listings. The bill makes the following designations:

- “Andrew J. Capeletti Memorial Ramp” in Miami-Dade County.
- “Jose Reguiero Avenue” in Miami-Dade County.
- “Manuel Capo Boulevard” In Miami-Dade County.
- “Lt. Colonel Charles Brown Memorial Highway” In Miami-Dade County.
- Cuban-American Association of Civil Engineers Way” in Miami-Dade County.
- “Biscayne Park Way” in Miami-Dade County.
- “Dr. Oscar Elias Biscet Boulevard” in Miami-Dade County.
- “Father Gerard Jean-Juste Street” in Miami-Dade County.
- “Verna Bell Way” in Nassau County.

The bill amends the Jose A. Marques Boulevard designation in Miami-Dade County which was passed in 2008 to extend it 10 blocks and to add “Dr.” to the designation.

The bill also designates that portion of S.W. 67th Avenue, also known as Ludlam Road, between Bird Road and S.W. 136th Street in the City of South Miami and the Village of Pinecrest as a state historic road and provides restrictions on the use of public funds for certain projects related to the road.

The bill also directs DOT to erect suitable markers for the honorary road designations. However, a marker is not required for the state historic road designation.

DOT estimates that the cost to erect 20 suitable road designating markers is approximately \$8,000; this assumes the placement of a marker at each end of each designated road segment. The expenditure is from the State Transportation Trust Fund and includes installation and maintenance costs.

The bill does not create any constitutional or other legal issues. It takes effect July 1, 2010.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Section 334.071, F.S., provides for legislative designations of transportation facilities for honorary or memorial purposes, or to distinguish a particular facility. The legislative designations do not "officially" change the current names of the facilities, nor does the statute require local governments and private entities to change street signs, mailing addresses, or 911 emergency telephone-number system listings.

The statute requires the Department of Transportation (DOT) to place a marker at each termini or intersection of an identified road or bridge, and to erect other markers it deems appropriate for the transportation facility. The statute also provides that a city or county must pass a resolution in support of a particular designation before road markers are erected. Additionally, if the designated road segment extends through multiple cities or counties, a resolution must be passed by each affected local government.

Effect of Proposed Change

The bill creates the following honorary road designations:

- The ramp connecting northbound Homestead Extension of Florida's Turnpike to northbound Interstate 75 in Miami-Dade County as the "Andrew J. Capeletti Memorial Ramp."
- The portion of W. 20th Avenue in the City of Hialeah between W. 44th Street and Okeechobee Road in Miami-Dade County as "Jose Reguiero Avenue."
- That portion of S.W. 8th Street between 24th Avenue and S.W. 27th Avenue in Miami-Dade County as "Manuel Capo Boulevard."
- That portion of U.S. 1, also known as State Road 5, between S.W. 104th Street and S.W. 112th Street in Miami-Dade County as "Lt. Colonel Charles Brown Memorial Highway."
- That portion of N.W. 107th Avenue between Flagler Street and N.W. 7th Street in Miami-Dade County as "Cuban-American Association of Civil Engineers Way."
- That portion of N.E. 6th Avenue between N.E. 113th Street and N.E. 121st Street in Miami-Dade County as "Biscayne Park Way."
- That portion of Coral Way between 32nd Avenue and S.W. 37th Avenue in Miami-Dade County as "Dr. Oscar Elias Biscet Boulevard."

- That portion of 54th Street between N.W. 5th Court and N.E. 5th Avenue in Little Haiti as “Father Jean-Juste Street.”
- That portion of State Road 200 between Lime Street and Beech Street in the City of Fernandina Beach in Nassau County as “Verna Bell Way.”

The bill amends the Jose A. Marques Boulevard designation in Miami-Dade County which was passed in 2008 to extend it 10 blocks and to add “Dr.” to the designation.

The bill also designates that portion of S.W. 67th Avenue, also known as Ludlam Road, between Bird Road and S.W. 136th Street in the City of South Miami and the Village of Pinecrest as a state historic road.¹ The bill prohibits funds public funds to be used for the following purposes on this road:

- To cut or remove trees at least six inches in diameter within 35 feet of either side of the paved surface of the road or engage in an activity which requires tree removal without replacing the tree.
- The alteration of the physical dimensions or location of the road, the median strip, or land adjacent to the road, except:
 - Routine or emergency utility maintenance needed to maintain the road as a utility corridor.
 - Modifications or improvements to provide ingress and egress of government safety vehicles.
 - Alterations or improvements made for the purpose of enhancing life safety vehicular use or pedestrian use, or both, as long as such alterations, modifications, or improvements are heard in a public hearing and subsequently approved by the governing board of the local government in which such alterations, modifications, or improvements are located.

These requirements are not to be construed to prevent the ordinary maintenance and repair of the road as long as the physical dimensions, location, and the appearance of any structure are preserved. However, the preservation of the road takes priority over traffic management considerations and public safety shall not be construed to require alterations of the road when alternative means of promoting safety, including more restrictive traffic regulations are available. The bill does not require a marker to be placed for this road.

The bill also directs DOT to erect suitable markers designating these honorary designations.

The bill takes effect on July 1, 2010.

B. SECTION DIRECTORY:

- | | |
|-----------|--|
| Section 1 | Designates the “Andrew J. Capeletti Ramp;” directs DOT to erect suitable markers. |
| Section 2 | Designates “Jose Reguero Avenue;” directs DOT to erect suitable markers. |
| Section 3 | Designates “Manuel Capo Boulevard;” directs DOT to erect suitable markers. |
| Section 4 | Designates “Lt. Colonel Charles Brown Memorial Highway;” directs DOT to erect suitable markers. |
| Section 5 | Designates “Cuban-American Association of Civil Engineers Way;” directs DOT to erect suitable markers. |
| Section 6 | Designates “Biscayne Park Way;” directs DOT to erect suitable markers. |
| Section 7 | Designates “Dr. Elias Biscet Boulevard;” directs DOT to erect suitable markers. |

¹ Section 267.074, F.S., contains the State Historical Marker Program within the Department of State. This provision allows the Department of State to identify state historic highways, as provided in general law.

- Section 8 Designates "Father Gerard Jean-Juste Street;" directs DOT to erect suitable markers.
- Section 9 Amends s. 17 of ch. 2008-256, L.O.F., relating to Dr. Jose A. Marques Boulevard; revising the designation.
- Section 10 Designates "Verna Bell Way;" directs DOT to erect suitable markers.
- Section 11 Designates a portion of S.W. 67th Avenue in Miami-Dade County as a state historic road; restricts the use of public funds for projects related to such road; providing for construction.
- Section 12 Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

DOT estimates that the cost to erect 20 suitable road designating markers is approximately \$8,000; which assumes the placement of a marker at each end of each designated road segment. The expenditure is from the State Transportation Trust Fund and includes installation and maintenance costs.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

D. FISCAL COMMENTS:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because the bill does not appear to require the counties or cities to spend funds or take an action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

Andrew J. Capeletti was a road builder and founder of Capeletti, Bros., Inc.

Jose Reguerio was the founder of Florida National College.

Manuel Capo was the CEO of El Dorado furniture, which is the largest Hispanic-owned furniture store in the United States.

Lt. Colonel Charles Brown was a World War II veteran who received several United States and foreign decorations, awards, and citations during his diplomatic career. He later founded an energy and environmental research center and received recognition in the field of "smokeless diesel engines."

The Cuban-American Association of Civil Engineers is a non-profit corporation, which assists members in the maintenance of the highest professional engineering skills, maintains and supports the highest principles of professional engineering achievements, and obtains the advancement of the science and profession of engineering. The association is funded by membership dues, corporate sponsors, public events and private donations.

Dr. Óscar Elías Biscet a Cuban medical professional and a noted advocate for human rights and democratic freedoms in Cuba and founder of the Lawton Foundation. He is in prison Cuba for alleged crimes against the sovereignty and the integrity of the Cuban territory. Dr. Biscet was presented with the Presidential Medal of Freedom in 2007 by U.S. President George W. Bush.

Father Gerard Jean-Juste was a Roman Catholic priest in Haiti and is the founder of the Haitian Refugee Center in Miami, Florida.

Verna Bell is a small business owner and community activist in Fernandina Beach, Florida.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

On March 10, 2010, the Roads, Bridges & Ports Policy Committee adopted three amendments and reported the bill favorably as a committee substitute. These amendments:

- Clarified the Andrew J. Capeletti Memorial Ramp and Jose Regueiro Avenue designations.
- Created the Manuel Capo Boulevard and Lt. Colonel Charles Brown Memorial Highway designations.
- Modified the existing Dr. Jose A. Marques Boulevard designation.
- Designated a portion of S.W. 67th Avenue in Miami-Dade County as a state historic road.

On April 7, 2010, the Economic Development & Community Affairs Policy Council adopted four amendments and reported the bill favorably as a council substitute. The amendments created the following designations:

- Cuban American Association of Civil Engineers Way
- Biscayne Park Way
- Dr. Oscar Elias Biscet Boulevard

- Father Gerard Jean-Juste Street
- Verna Bell Way