

House Bill No. 325

An act relating to road designations; designating a specified portion of Le Jeune Road in the City of Coral Gables and the City of Miami in Miami-Dade County as a state historic road; prohibiting the expenditure of state funds for certain purposes; providing construction of the act; directing the Division of Historical Resources of the Department of State to provide for the erection of suitable markers; providing an effective date.

WHEREAS, the master plan of the City of Coral Gables, created in the early 1920's, was a singular achievement unequaled in its blend of beauty and practicality and unsurpassed in its foresight, and

WHEREAS, that portion of Le Jeune Road situated within the corporate limits of the City of Coral Gables and lying between U.S. Highway 1 and Cartagena Plaza is a roadway graced by huge mahogany trees that have matured for at least 40 years, forming a canopy for the roadway that offers shade to residents and passersby and thereby creating the beauty and repose sought by the founder of the City of Coral Gables, George E. Merrick, and

WHEREAS, the citizens of the City of Coral Gables have expressed their unalterable opposition to the widening of this portion of Le Jeune Road, to the alteration of its appearance, or to its utilization as a north-south arterial highway, and

WHEREAS, the citizens of the City of Coral Gables desire to maintain the historic and aesthetic beauty of this portion of Le Jeune Road, NOW, THEREFORE,

Be It Enacted by the Legislature of the State of Florida:

Section 1. That portion of Le Jeune Road situated within the corporate limits of the City of Coral Gables and the City of Miami and lying between U.S. Highway 1 and Cartagena Plaza is hereby designated as a state historic road. No state funds shall be expended by any public body or agency for the following purposes:

(1) To widen or broaden that portion of Le Jeune Road described in this section or to alter its physical dimensions or location.

(2) To alter, remove, or replace any landscaping of that portion of Le Jeune Road described in this section, which shall include any mahogany trees on either side of the paved surface of the road.

Nothing in this act shall be construed to prevent the ordinary maintenance and repair of that portion of Le Jeune Road situated within the corporate limits of the City of Coral Gables and the City of Miami and lying between U.S. Highway 1 and Cartagena Plaza, provided the physical dimensions and location of the highway are preserved; nor to prevent the removal or replacement of any landscaping, including any mahogany trees located on either

side of the paved surface of the road, if such landscaping is determined by the appropriate governmental authority to be diseased or damaged; nor to prevent any work that is necessary for the public health or safety as determined by the agency having jurisdiction over the portion of Le Jeune Road described in this section; nor to prevent the removal of invasive plant species on the roadway or right-of-way; nor to prevent such action deemed necessary to clear or maintain the road subsequent to a natural disaster such as a hurricane. The term "ordinary maintenance" means those activities necessary to preserve the existing traffic patterns and to accommodate the volume of traffic operating on that portion of Le Jeune Road described in this section on the effective date of this act. However, the preservation of the portion of Le Jeune Road described in this section and its landscaping take priority over considerations of traffic management, and the public safety shall not be construed to require alterations in that portion of Le Jeune Road described in this section or its landscaping when alternative means of promoting safety, including more restrictive regulations, are available.

Section 2. The Division of Historical Resources of the Department of State shall provide for the erection of suitable markers on and along that portion of Le Jeune Road described in section 1 of this act.

Section 3. The provisions of this act shall not supersede a more restrictive law, ordinance, or rule already in effect or taking effect after the effective date of this act.

Section 4. This act shall take effect upon becoming a law.

Approved by the Governor May 1, 2002.

Filed in Office Secretary of State May 1, 2002.