

Bill No. CS for SB 1008

Amendment No. ____

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
---------------	----------------	--------------

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

.
.
.
.
.

Senator Gutman moved the following substitute for amendment (704996):

Senate Amendment (with title amendment)

On page 11, between lines 25 and 26,

insert:

Section 4. Subsection (10) is added to section 337.401, Florida Statutes, 1998 Supplement, to read:

337.401 Use of right-of-way for utilities subject to regulation; permit; fees.--

(10)(a) Pay telephone service providers are authorized to occupy public roads and rights-of-way for the purpose of providing pay telephone service to the public, subject to reasonable rules or regulations promulgated by the authority; however, such rules or regulations shall not conflict with the rules or regulations of the Florida Public Service Commission or chapter 364.

(b) Notwithstanding the provisions of subsections (3) and (4), if a municipality requires a pay telephone service provider to pay a fee or other consideration as a condition

Bill No. CS for SB 1008

Amendment No. ____

1 for granting permission to occupy municipal streets and
 2 rights-of-way for placement of pay telephones, such fee or
 3 consideration may not exceed 10 percent of gross operating
 4 revenues for services provided by pay telephones located on
 5 such municipal streets and rights-of-way. Included within such
 6 10 percent maximum fee or consideration are all taxes,
 7 licenses, fees, in-kind contributions accepted pursuant to
 8 subsection (5), and other impositions except ad valorem taxes
 9 and amounts for assessments for special benefits, such as
 10 sidewalks, street pavings, and similar improvements, and
 11 occupational license taxes levied or imposed by a municipality
 12 upon the pay telephone service provider.

13 (c) This section does not impair any ordinance or
 14 agreement in effect on May 22, 1998, nor does it affect fees
 15 or consideration, if any, required for placement of pay
 16 telephones on property other than streets and rights-of-way.

17 (d) Notwithstanding the provisions of subsection (7),
 18 those pay telephones installed pursuant to an existing
 19 franchise agreement must comply with this act upon expiration
 20 of the franchise agreement.

21
 22 (Redesignate subsequent sections.)

23
 24
 25 ===== T I T L E A M E N D M E N T =====

26 And the title is amended as follows:

27 On page 1, line 14, after the semicolon
 28
 29 insert:
 30 amending s. 337.401, F.S.; authorizing pay
 31 telephone service providers to occupy public

Bill No. CS for SB 1008

Amendment No. ____

1 roads and rights-of-way under specified
2 conditions; limiting the amount of certain fees
3 required by municipalities; providing
4 applicability;
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31