

Bill No. CS for SB 480

Amendment No. Barcode 441290

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

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Senator Jones moved the following **amendment to amendment**
(405274):

Senate Amendment (with title amendment)

On page 4, between lines 1 and 2,

insert:

Section 4. Subsection (5) of section 337.408, Florida Statutes, is renumbered as subsection (6), and a new subsection (5) is added to said section to read:

337.408 Regulation of benches, transit shelters, street light poles, and waste disposal receptacles within rights-of-way.--

(5) Street light poles, including attached public service messages and advertisements, may be located within the right-of-way limits of municipal and county roads in the same manner as benches, transit shelters, and waste disposal receptacles as provided in this section and in accordance with municipal and county ordinances. Public service messages and advertisements may be installed on street light poles on roads on the State Highway System in accordance with height, size,

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1 setback, spacing distance, duration of display, safety,
 2 traffic control, and permitting requirements established by
 3 administrative rule of the Department of Transportation.
 4 Public service messages and advertisements shall be subject to
 5 bilateral agreements, where applicable, to be negotiated with
 6 the owner of the street light poles, which shall consider,
 7 among other things, power source rates, design, safety,
 8 operational and maintenance concerns, and other matters of
 9 public importance. For the purposes of this section, the term
 10 "street light poles" does not include electric transmission or
 11 distribution poles. The department shall have authority to
 12 establish administrative rules to implement this subsection.
 13 No advertising on light poles shall be permitted on the
 14 Interstate Highway System. No permanent structures carrying
 15 advertisements attached to light poles shall be permitted on
 16 the National Highway System.

17 Section 5. Paragraph (d) of subsection (2) of section
 18 348.0003, Florida Statutes, is amended to read:

19 348.0003 Expressway authority; formation;
 20 membership.--

21 (2) The governing body of an authority shall consist
 22 of not fewer than five nor more than nine voting members. The
 23 district secretary of the affected department district shall
 24 serve as a nonvoting member of the governing body of each
 25 authority located within the district. Each member of the
 26 governing body must at all times during his or her term of
 27 office be a permanent resident of the county which he or she
 28 is appointed to represent.

29 (d) Notwithstanding any provision to the contrary in
 30 this subsection, in any county as defined in s. 125.011(1),
 31 the governing body of an authority shall consist of up to 13

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1 members, and the following provisions of this paragraph shall
2 apply specifically to such authority. Except for the district
3 secretary of the department, the members must be residents of
4 the county. Seven voting members shall be appointed by the
5 governing body of the county. At the discretion of the
6 governing body of the county, up to two of the members
7 appointed by the governing body of the county may be elected
8 officials residing in the county. Five voting members of the
9 authority shall be appointed by the Governor. One member shall
10 be the district secretary of the department serving in the
11 district that contains such county. This member shall be an ex
12 officio voting member of the authority. If the governing board
13 of an authority includes any member originally appointed by
14 the governing body of the county as a nonvoting member, when
15 the term of such member expires, that member shall be replaced
16 by a member appointed by the Governor until the governing body
17 of the authority is composed of seven members appointed by the
18 governing body of the county and five members appointed by the
19 Governor. The qualifications, terms of office, and obligations
20 and rights of members of the authority shall be determined by
21 resolution or ordinance of the governing body of the county in
22 a manner that is consistent with subsections (3) and (4).

23 Section 6. Section 348.0008, Florida Statutes, is
24 amended to read:

25 348.0008 Acquisition of lands and property.--

26 (1) For the purposes of the Florida Expressway
27 Authority Act, an expressway authority may acquire such
28 rights, title, or interest in private or public property and
29 such property rights, including easements, rights of access,
30 air, view, and light, by gift, devise, purchase, or
31 condemnation by eminent domain proceedings, as the authority

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1 may deem necessary for any of the purposes of the Florida
2 Expressway Authority Act, including, but not limited to, any
3 lands reasonably necessary for securing applicable permits,
4 areas necessary for management of access, borrow pits,
5 drainage ditches, water retention areas, rest areas,
6 replacement access for landowners whose access is impaired due
7 to the construction of an expressway system, and replacement
8 rights-of-way for relocated rail and utility facilities; for
9 existing, proposed, or anticipated transportation facilities
10 on the expressway system or in a transportation corridor
11 designated by the authority; or for the purposes of screening,
12 relocation, removal, or disposal of junkyards and scrap metal
13 processing facilities. The authority may also condemn any
14 material and property necessary for such purposes.

15 (2) An authority and its authorized agents,
16 contractors, and employees are authorized to enter upon any
17 lands, waters, and premises, upon giving reasonable notice to
18 the landowner, for the purpose of making surveys, soundings,
19 drillings, appraisals, environmental assessments including
20 phase I and phase II environmental surveys, archaeological
21 assessments, and such other examinations as are necessary for
22 the acquisition of private or public property and property
23 rights, including rights of access, air, view, and light, by
24 gift, devise, purchase, or condemnation by eminent domain
25 proceedings or as are necessary for the authority to perform
26 its duties and functions; and any such entry shall not be
27 deemed a trespass or an entry that would constitute a taking
28 in an eminent domain proceeding. An expressway authority shall
29 make reimbursement for any actual damage to such lands, water,
30 and premises as a result of such activities.

31 (3)(2) The right of eminent domain conferred by the

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1 Florida Expressway Authority Act must be exercised by each
2 authority in the manner provided by law.

3 (4)~~(3)~~ When an authority acquires property for an
4 expressway system or in a transportation corridor as defined
5 in s. 334.03, it is not subject to any liability imposed by
6 chapter 376 or chapter 403 for preexisting soil or groundwater
7 contamination due solely to its ownership. This subsection
8 does not affect the rights or liabilities of any past or
9 future owners of the acquired property nor does it affect the
10 liability of any governmental entity for the results of its
11 actions which create or exacerbate a pollution source. An
12 authority and the Department of Environmental Protection may
13 enter into interagency agreements for the performance,
14 funding, and reimbursement of the investigative and remedial
15 acts necessary for property acquired by the authority.

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17 (Redesignate subsequent sections.)

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20 ===== T I T L E A M E N D M E N T =====

21 And the title is amended as follows:

22 On page 4, line 21, after the second semicolon

23
24 insert:

25 amending s. 337.408, F.S.; providing for
26 regulation of street light poles; amending s.
27 348.0003, F.S.; authorizing a county governing
28 body to set qualifications, terms of office,
29 and obligations and rights for the members of
30 expressway authorities their jurisdictions;
31 amending s. 348.0008, F.S.; allowing expressway

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1 authorities to acquire certain interests in
2 land; providing for expressway authorities and
3 their agents or employees to access public or
4 private property for certain purposes;
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