

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative Hasner offered the following:

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3 **Amendment (with title amendments)**

4 Between lines 534 and 535 insert:

5 Section 7. Section 337.408, Florida Statutes, is amended
6 to read:

7 337.408 Regulation of benches, transit shelters, street
8 light poles, ~~and~~ waste disposal receptacles, and modular news
9 racks within rights-of-way.--

10 (1) Benches or transit shelters, including advertising
11 displayed on benches or transit shelters, may be installed
12 within the right-of-way limits of any municipal, county, or
13 state road, except a limited access highway, ~~+~~ provided that such
14 benches or transit shelters are for the comfort or convenience
15 of the general public, ~~+~~ or are at designated stops on official
16 bus routes; ~~and,~~ provided ~~further,~~ that written authorization

959963

HOUSE AMENDMENT

Bill No.HB 1027 CS

Amendment No. (for drafter's use only)

17 has been given to a qualified private supplier of such service
18 by the municipal government within whose incorporated limits
19 such benches or transit shelters are installed, or by the county
20 government within whose unincorporated limits such benches or
21 transit shelters are installed. A municipality or county may
22 authorize the installation, without public bid, of benches and
23 transit shelters together with advertising displayed thereon,
24 within the right-of-way limits of such roads. Any contract for
25 the installation of benches or transit shelters or advertising
26 on benches or transit shelters which was entered into before
27 April 8, 1992, without public bidding, is ratified and affirmed.
28 Such benches or transit shelters may not interfere with right-
29 of-way preservation and maintenance. Any bench or transit
30 shelter located on a sidewalk within the right-of-way limits of
31 any road on the State Highway System or the county road system
32 shall be located so as to leave at least 36 inches of clearance
33 for pedestrians and persons in wheelchairs. Such clearance shall
34 be measured in a direction perpendicular to the centerline of
35 the road.

36 (2) Waste disposal receptacles of less than 110 gallons in
37 capacity, including advertising displayed on such waste disposal
38 receptacles, may be installed within the right-of-way limits of
39 any municipal, county, or state road, except a limited access
40 highway, provided that written authorization has been given to
41 a qualified private supplier of such service by the appropriate
42 municipal or county government. A municipality or county may
43 authorize the installation, without public bid, of waste
44 disposal receptacles together with advertising displayed thereon

959963

Amendment No. (for drafter's use only)

45 within the right-of-way limits of such roads. Such waste
46 disposal receptacles may not interfere with right-of-way
47 preservation and maintenance.

48 (3) Modular news racks, including advertising thereon, may
49 be located within the right-of-way limits of any municipal,
50 county, or state road, except a limited access highway, provided
51 the municipal government within whose incorporated limits such
52 racks are installed or the county government within whose
53 unincorporated limits such racks are installed has passed an
54 ordinance regulating the placement of modular news racks within
55 the right-of-way and has authorized a qualified private supplier
56 of modular news racks to provide such service. The modular news
57 rack or advertising thereon shall not exceed a height of 56
58 inches or a total advertising space of 56 square feet. No later
59 than 45 days prior to installation of modular news racks, the
60 private supplier shall provide a map of proposed locations and
61 typical installation plans to the department for approval. If
62 the department does not respond within 45 days after receipt of
63 the submitted plans, installation may proceed.

64 (4)(3) The department has the authority to direct the
65 immediate relocation or removal of any bench, transit shelter,
66 ~~or~~ waste disposal receptacle, or modular news rack which
67 endangers life or property, except that transit bus benches
68 which have been placed in service prior to April 1, 1992, are
69 not required ~~do not have~~ to comply with bench size and
70 advertising display size requirements which have been
71 established by the department prior to March 1, 1992. Any
72 transit bus bench that was in service prior to April 1, 1992,

959963

Amendment No. (for drafter's use only)

73 | may be replaced with a bus bench of the same size or smaller, if
74 | the bench is damaged or destroyed or otherwise becomes unusable.
75 | The department is authorized to adopt ~~promulgate~~ rules relating
76 | to the regulation of bench size and advertising display size
77 | requirements. ~~However,~~ If a municipality or county within which
78 | a bench is to be located has adopted an ordinance or other
79 | applicable regulation that establishes bench size or advertising
80 | display sign requirements different from requirements specified
81 | in department rule, ~~then~~ the local government requirement shall
82 | be applicable within the respective municipality or county.
83 | Placement of any bench or advertising display on the National
84 | Highway System under a local ordinance or regulation adopted
85 | pursuant to this subsection shall be subject to approval of the
86 | Federal Highway Administration.

87 | ~~(5)(4)~~ No bench, transit shelter, ~~or~~ waste disposal
88 | receptacle, or modular news rack, or advertising thereon, shall
89 | be erected or so placed on the right-of-way of any road which
90 | conflicts with the requirements of federal law, regulations, or
91 | safety standards, thereby causing the state or any political
92 | subdivision the loss of federal funds. Competition among persons
93 | seeking to provide bench, transit shelter, ~~or~~ waste disposal
94 | receptacle, or modular news rack services or advertising on such
95 | benches, shelters, ~~or~~ receptacles, or news racks may be
96 | regulated, restricted, or denied by the appropriate local
97 | government entity consistent with the provisions of this
98 | section.

99 | ~~(6)(5)~~ Street light poles, including attached public
100 | service messages and advertisements, may be located within the

959963

Amendment No. (for drafter's use only)

101 right-of-way limits of municipal and county roads in the same
102 manner as benches, transit shelters, ~~and~~ waste disposal
103 receptacles, and modular news racks as provided in this section
104 and in accordance with municipal and county ordinances. Public
105 service messages and advertisements may be installed on street
106 light poles on roads on the State Highway System in accordance
107 with height, size, setback, spacing distance, duration of
108 display, safety, traffic control, and permitting requirements
109 established by administrative rule of the Department of
110 Transportation. Public service messages and advertisements shall
111 be subject to bilateral agreements, where applicable, to be
112 negotiated with the owner of the street light poles, which shall
113 consider, among other things, power source rates, design,
114 safety, operational and maintenance concerns, and other matters
115 of public importance. For the purposes of this section, the term
116 "street light poles" does not include electric transmission or
117 distribution poles. The department shall have authority to adopt
118 ~~establish administrative rules pursuant to ss. 120.536(1) and~~
119 120.54 to implement the provisions of this section subsection.
120 No advertising on light poles shall be permitted on the
121 Interstate Highway System. No permanent structures carrying
122 advertisements attached to light poles shall be permitted on the
123 National Highway System.

124 (7)(6) Wherever the provisions of this section are
125 inconsistent with other provisions of this chapter or with the
126 provisions of chapter 125, chapter 335, chapter 336, or chapter
127 479, the provisions of this section shall prevail.
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959963

Amendment No. (for drafter's use only)

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

Remove line 46 and insert:
authorities; amending s. 337.408, F.S.; providing for
placement of certain modular news racks, including
advertising thereon, within the right-of-way limits of any
municipal, county, or state road; providing requirements,
restrictions, and limitations; authorizing removal under
certain circumstances; authorizing the department to adopt
rules; providing an effective date.