



338772

CHAMBER ACTION

Senate

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House

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1 Senator Baker moved the following **amendment to amendment**  
2 **(844108)** :

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4 **Senate Amendment (with title amendment)**

5 Delete lines 1475-1524  
6 and insert:

7  
8 expense except as provided in paragraphs (a)-(f) ~~(a), (b), and~~  
9 ~~(e)~~.

10 (a) If the relocation of utility facilities, as referred to  
11 in s. 111 of the Federal-Aid Highway Act of 1956, Pub. L. No. 627  
12 of the 84th Congress, is necessitated by the construction of a  
13 project on the federal-aid interstate system, including  
14 extensions thereof within urban areas, and the cost of such  
15 project is eligible and approved for reimbursement by the Federal  
16 Government to the extent of 90 percent or more under the Federal  
17 Aid Highway Act, or any amendment thereof, then in that event the



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18 utility owning or operating such facilities shall relocate such  
19 facilities upon order of the department, and the state shall pay  
20 the entire expense properly attributable to such relocation after  
21 deducting therefrom any increase in the value of the new facility  
22 and any salvage value derived from the old facility.

23 (b) When a joint agreement between the department and the  
24 utility is executed for utility improvement, relocation, or  
25 removal work to be accomplished as part of a contract for  
26 construction of a transportation facility, the department may  
27 participate in those utility improvement, relocation, or removal  
28 costs that exceed the department's official estimate of the cost  
29 of such work by more than 10 percent. The amount of such  
30 participation shall be limited to the difference between the  
31 official estimate of all the work in the joint agreement plus 10  
32 percent and the amount awarded for this work in the construction  
33 contract for such work. The department may not participate in any  
34 utility improvement, relocation, or removal costs that occur as a  
35 result of changes or additions during the course of the contract.

36 (c) When an agreement between the department and utility is  
37 executed for utility improvement, relocation, or removal work to  
38 be accomplished in advance of a contract for construction of a  
39 transportation facility, the department may participate in the  
40 cost of clearing and grubbing necessary to perform such work.

41 (d) If the utility facility being removed or relocated was  
42 initially installed to exclusively serve the department, its  
43 tenants, or both the department and its tenants, the department  
44 shall bear the costs of removal or relocation of that utility  
45 facility. The department shall not be responsible, however, for  
46 bearing the cost of removal or relocation of any subsequent  
47 additions to that facility for the purpose of serving others.



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48       (e) If, pursuant to an agreement between a utility and the  
49 authority entered into after the effective date of this  
50 subsection, the utility conveys, subordinates, or relinquishes a  
51 compensable property right to the authority for the purpose of  
52 accommodating the acquisition or use of the right-of-way by the  
53 authority, without the agreement expressly addressing future  
54 responsibility for cost of removal or relocation of the utility,  
55 then the authority shall bear the cost of such removal or  
56 relocation. Nothing in this paragraph is intended to impair or  
57 restrict, or be used to interpret, the terms of any such  
58 agreement entered into prior to the effective date of this  
59 paragraph.

60       (f) If the utility is an electric facility being relocated  
61 underground in order to enhance vehicular, bicycle, and  
62 pedestrian safety and in which ownership of the electric facility  
63 to be placed underground has been transferred from a private to a  
64 public utility within the past 5 years, the department shall  
65 incur all costs of the relocation.

66       Section 33. Subsection (4), subsection (5) of section  
67 337.408, Florida Statutes, are amended, subsection (7) is  
68 renumbered as subsection (8), and a new subsection (7) is added  
69 to that section, to read:

70       337.408 Regulation of benches, transit shelters, street  
71 light poles, waste disposal receptacles, and modular news racks  
72 within rights-of-way.--

73       (4) The department has the authority to direct the  
74 immediate relocation or removal of any bench, transit shelter,  
75 waste disposal receptacle, public pay telephone, or modular news  
76 rack which endangers life or property, except that transit bus  
77 benches which have been placed in service prior to April 1, 1992,



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78 are not required to comply with bench size and advertising  
79 display size requirements which have been established by the  
80 department prior to March 1, 1992. Any transit bus bench that was  
81 in service prior to April 1, 1992, may be replaced with a bus  
82 bench of the same size or smaller, if the bench is damaged or  
83 destroyed or otherwise becomes unusable. The department is  
84 authorized to adopt rules relating to the regulation of bench  
85 size and advertising display size requirements. If a municipality  
86 or county within which a bench is to be located has adopted an  
87 ordinance or other applicable regulation that establishes bench  
88 size or advertising display sign requirements different from  
89 requirements specified in department rule, the local government  
90 requirement shall be applicable within the respective  
91 municipality or county. Placement of any bench or advertising  
92 display on the National Highway System under a local ordinance or  
93 regulation adopted pursuant to this subsection shall be subject  
94 to approval of the Federal Highway Administration.

95 (5) No bench, transit shelter, waste disposal receptacle,  
96 public pay telephone, or modular news rack, or advertising  
97 thereon, shall be erected or so placed on the right-of-way of any  
98 road which conflicts with the requirements of federal law,  
99 regulations, or safety standards, thereby causing the state or  
100 any political subdivision the loss of federal funds. Competition  
101 among persons seeking to provide bench, transit shelter, waste  
102 disposal receptacle, or modular news rack services or advertising  
103 on such benches, shelters, receptacles, or news racks may be  
104 regulated, restricted, or denied by the appropriate local  
105 government entity consistent with the provisions of this section.

106 (7) Public pay telephones, including advertising displayed  
107 thereon, may be installed within the right-of-way limits of any



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108 municipal, county, or state road, except on a limited access  
109 highway, provided that such pay telephones are installed by a  
110 provider duly authorized and regulated by the Public Service  
111 Commission pursuant to s. 364.3375, that such pay telephones are  
112 operated in accordance with all applicable state and federal  
113 telecommunications regulations, and that written authorization  
114 has been given to a public pay telephone provider by the  
115 appropriate municipal or county government. Each advertisement  
116 shall be limited to a size no greater than 8 square feet and no  
117 public pay telephone booth shall display more than 3 such  
118 advertisements at any given time. No advertisements shall be  
119 allowed on public pay telephones located in rest areas, welcome  
120 centers, and other such facilities located on an interstate  
121 highway.

122  
123 ===== T I T L E A M E N D M E N T =====

124 And the title is amended as follows:

125 Delete line 2898

126 and insert:

127 road or rail corridor; amending s. 337.408, F.S.;

128 providing for public pay telephones and advertising

129 thereon to be installed within the right-of-way limits of

130 any municipal, county, or state road; amending s. 338.01,

131 F.S.; requiring