



520310

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/10/2009	.	
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	.	

The Committee on Transportation (Baker) recommended the following:

Senate Amendment (with title amendment)

Delete lines 8 - 9
and insert:

Section 1. Subsections (4) and (5) of section 337.408, Florida Statutes, are amended, present subsection (7) of that section is renumbered as subsection (8), and a new subsection (7) is added to that section, to read:

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



520310

12 (4) The department has the authority to direct the
13 immediate relocation or removal of any bench, transit shelter,
14 waste disposal receptacle, public pay telephone, or modular news
15 rack that ~~which~~ endangers life or property, except that transit
16 bus benches that were ~~which have been~~ placed in service before
17 ~~prior to~~ April 1, 1992, are not required to comply with bench
18 size and advertising display size requirements ~~which have been~~
19 established by the department before ~~prior to~~ March 1, 1992. Any
20 transit bus bench that was in service before ~~prior to~~ April 1,
21 1992, may be replaced with a bus bench of the same size or
22 smaller, if the bench is damaged or destroyed or otherwise
23 becomes unusable. The department may ~~is authorized to~~ adopt
24 rules relating to the regulation of bench size and advertising
25 display size requirements. If a municipality or county within
26 which a bench is to be located has adopted an ordinance or other
27 applicable regulation that establishes bench size or advertising
28 display sign requirements different from requirements specified
29 in department rule, the local government requirement applies
30 ~~shall be applicable~~ within the respective municipality or
31 county. Placement of any bench or advertising display on the
32 National Highway System under a local ordinance or regulation
33 adopted under ~~pursuant to~~ this subsection is ~~shall be~~ subject to
34 approval of the Federal Highway Administration.

35 (5) A ~~No~~ bench, transit shelter, waste disposal receptacle,
36 public pay telephone, or modular news rack, or advertising
37 thereon, may not ~~shall~~ be erected or ~~se~~ placed on the right-of-
38 way of any road in a manner that ~~which~~ conflicts with the
39 requirements of federal law, regulations, or safety standards,
40 thereby causing the state or any political subdivision the loss



520310

41 of federal funds. Competition among persons seeking to provide
42 bench, transit shelter, waste disposal receptacle, public pay
43 telephone, or modular news rack services or advertising on such
44 benches, shelters, receptacles, public pay telephone, or news
45 racks may be regulated, restricted, or denied by the appropriate
46 local government entity consistent with ~~the provisions of~~ this
47 section.

48 (7) A public pay telephone, including advertising displayed
49 thereon, may be installed within the right-of-way limits of any
50 municipal, county, or state road, except on a limited access
51 highway, if the pay telephone is installed by a provider duly
52 authorized and regulated by the Public Service Commission under
53 s. 364.3375, if the pay telephone is operated in accordance with
54 all applicable state and federal telecommunications regulations,
55 and if written authorization has been given to a public pay
56 telephone provider by the appropriate municipal or county
57 government. Each advertisement must be limited to a size no
58 greater than 8 square feet and a public pay telephone booth may
59 not display more than three advertisements at any given time. An
60 advertisement is not allowed on public pay telephones located in
61 rest areas, welcome centers, or other such facilities located on
62 an interstate highway.

63
64
65 ===== T I T L E A M E N D M E N T =====

66 And the title is amended as follows:

67 Delete lines 2 - 4

68 and insert:

69 An act relating to transportation; amending s. 337.403,



520310

70 F.S.; providing for the department or local governmental entity
71 to pay certain costs of removal or relocation of a utility
72 facility that is found to be interfering with the use,
73 maintenance, improvement, extension, or expansion of a public
74 road or publicly owned rail corridor under described
75 circumstances; amending s. 337.408, F.S.; providing for public
76 pay telephones and advertising thereon to be installed within
77 the right-of-way limits of any municipal, county, or state road;
78 providing an effective date.