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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/30/2011	.	
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The Committee on Transportation (Latvala) recommended the following:

1 **Senate Amendment to Amendment (661918) (with title**
2 **amendment)**

3
4 Between lines 805 and 806
5 insert:

6 Section 50. Subsections (1) and (4) of section 337.408,
7 Florida Statutes, are amended to read:

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

11 (1) Benches or transit shelters, including advertising
12 displayed on benches or transit shelters, may be installed



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13 within the right-of-way limits of any municipal, county, or
14 state road, except a limited access highway, provided that such
15 benches or transit shelters are for the comfort or convenience
16 of the general public or are at designated stops on official bus
17 routes and provided that written authorization has been given to
18 a qualified private supplier of such service by the municipal
19 government within whose incorporated limits such benches or
20 transit shelters are installed or by the county government
21 within whose unincorporated limits such benches or transit
22 shelters are installed. A municipality or county may authorize
23 the installation, without public bid, of benches and transit
24 shelters together with advertising displayed thereon within the
25 right-of-way limits of such roads. All installations shall be in
26 compliance with all applicable laws and rules including, without
27 limitation, the Americans with Disabilities Act. Municipalities
28 and counties shall indemnify, defend, and hold harmless the
29 department from any suits, actions, proceedings, claims, losses,
30 costs, charges, expenses, damages, liabilities, attorney fees,
31 and court costs relating to the installation, removal, or
32 relocation of such installations. Any contract for the
33 installation of benches or transit shelters or advertising on
34 benches or transit shelters which was entered into before April
35 8, 1992, without public bidding is ratified and affirmed. Such
36 benches or transit shelters may not interfere with right-of-way
37 preservation and maintenance. Any bench or transit shelter
38 located on a sidewalk within the right-of-way limits of any road
39 on the State Highway System or the county road system shall be
40 located so as to leave at least 36 inches of clearance for
41 pedestrians and persons in wheelchairs. Such clearance shall be



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42 measured in a direction perpendicular to the centerline of the
43 road.

44 (4) The department has the authority to direct the
45 immediate relocation or removal of any bus stop bench, transit
46 shelter, waste disposal receptacle, public pay telephone, or
47 modular news rack that endangers life or property, or that is
48 otherwise not in compliance with applicable laws and rules,
49 except that transit bus benches that were placed in service
50 before April 1, 1992, are not required to comply with bench size
51 and advertising display size requirements established by the
52 department before March 1, 1992. If a municipality or county
53 fails to comply with the department's direction, the department
54 shall remove the noncompliant installation, charge the cost of
55 the removal to the municipality or county, and may deduct or
56 offset such cost from any other funding available to the
57 municipality or county from the department. Any transit bus
58 bench that was in service before April 1, 1992, may be replaced
59 with a bus bench of the same size or smaller, if the bench is
60 damaged or destroyed or otherwise becomes unusable. The
61 department may adopt rules relating to the regulation of bench
62 size and advertising display size requirements. If a
63 municipality or county within which a bench is to be located has
64 adopted an ordinance or other applicable regulation that
65 establishes bench size or advertising display sign requirements
66 different from requirements specified in department rule, the
67 local government requirement applies within the respective
68 municipality or county. Placement of any bench or advertising
69 display on the National Highway System under a local ordinance
70 or regulation adopted under this subsection is subject to



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71 approval of the Federal Highway Administration.

72

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

74 And the title is amended as follows:

75 Between lines 917 and 918

76 insert:

77 amending s. 337.408, F.S., revising requirements for
78 the installation of bus stop benches, transit
79 shelters, street light poles, waste disposal
80 receptacles, and modular news racks within the public
81 rights-of-way; requiring compliance with the Americans
82 With Disabilities Act; providing responsibilities for
83 removal of noncompliant installations;