

THE FLORIDA SENATE
2016 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

CS/SB 416 — Location of Utilities

by Community Affairs Committee and Senator Flores

Consistent with common law, Chapter 337, F.S., requires a utility to bear the costs of relocating its facilities located “upon, under, over, or along” any public road or publicly owned rail corridor if the facilities “unreasonably interfere in any way with the convenient, safe, or continuous use, or the maintenance, improvement, extension, or expansion” of the public road or publicly owned rail corridor. There are nine exceptions to this general rule enumerated by statute.

The bill would provide an additional exemption to the general rule requiring utilities to bear the cost for relocating their facilities. The bill requires the Department of Transportation or the local government entity to pay for the relocation of utility facilities if the facilities are located within an existing and valid public utility easement granted by recorded plat. This exception would still apply if ownership of the underlying land was acquired by the governmental entity requiring the relocation. Under this exception, the governmental entity would be required to pay the full cost of relocation, after deductions for any increase in value attributable to the new facility and any salvage value of the old facility.

The bill reduces a county’s authority to grant licenses for lines to only locations “under, on, over, across, or within the right-of-way limits” of a county highway or public road, as opposed to “under, on, over, across and along” such highways or roads.

Finally, the bill narrows the authority of the Department of Transportation and local governments to prescribe and enforce rules or regulations related to the placing and maintaining of a utility to “across, on, or within the right-of-way limits” of any public road or publicly owned rail corridor, as opposed to “along, across, or on” any public road or publicly owned rail corridor.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 34-4; House 109-4