

1 A bill to be entitled
 2 An act relating to utility relocation; amending s.
 3 337.403, F.S.; revising the timeframe within which
 4 certain utility owners must initiate work; requiring a
 5 communications service provider to perform work under
 6 specific circumstances; requiring specified utility
 7 owners to provide a certain authority with utility
 8 relocation schedules within a certain timeframe to
 9 expedite work; requiring the authority to pay
 10 relocation expenses in certain instances; amending s.
 11 125.42, F.S.; conforming a cross-reference; providing
 12 a finding and declaration of important state interest;
 13 providing an effective date.

14
 15 Be It Enacted by the Legislature of the State of Florida:

16
 17 **Section 1. Subsection (1) of section 337.403, Florida**
 18 **Statutes, is amended to read:**

19 337.403 Interference caused by utility; expenses.—
 20 (1) If a utility that is placed upon, under, over, or
 21 within the right-of-way limits of any public road or publicly
 22 owned rail corridor is found by the authority to be unreasonably
 23 interfering in any way with the convenient, safe, or continuous
 24 use, or the maintenance, improvement, extension, or expansion,
 25 of such public road or publicly owned rail corridor, the utility

26 | owner shall, within 30 days after ~~upon 30 days~~ written notice
27 | to the utility or its agent by the authority, initiate the work
28 | necessary to alleviate the interference at its own expense
29 | except as provided in paragraphs (a)-(k) ~~(a)-(j)~~. The work must
30 | be completed within such reasonable time as stated in the notice
31 | or such time as agreed to by the authority and the utility
32 | owner.

33 | (a) If the relocation of utility facilities, as referred
34 | to in s. 111 of the Federal-Aid Highway Act of 1956, Pub. L. No.
35 | 84-627, is necessitated by the construction of a project on the
36 | federal-aid interstate system, including extensions thereof
37 | within urban areas, and the cost of the project is eligible and
38 | approved for reimbursement by the Federal Government to the
39 | extent of 90 percent or more under the Federal-Aid Highway Act,
40 | or any amendment thereof, then in that event the utility owning
41 | or operating such facilities shall perform any necessary work
42 | upon notice from the department, and the state shall pay the
43 | entire expense properly attributable to such work after
44 | deducting therefrom any increase in the value of a new facility
45 | and any salvage value derived from an old facility.

46 | (b) When a joint agreement between the department and the
47 | utility is executed for utility work to be accomplished as part
48 | of a contract for construction of a transportation facility, the
49 | department may participate in those utility work costs that
50 | exceed the department's official estimate of the cost of the

51 work by more than 10 percent. The amount of such participation
52 is limited to the difference between the official estimate of
53 all the work in the joint agreement plus 10 percent and the
54 amount awarded for this work in the construction contract for
55 such work. The department may not participate in any utility
56 work costs that occur as a result of changes or additions during
57 the course of the contract.

58 (c) When an agreement between the department and utility
59 is executed for utility work to be accomplished in advance of a
60 contract for construction of a transportation facility, the
61 department may participate in the cost of clearing and grubbing
62 necessary to perform such work.

63 (d) If the utility facility was initially installed to
64 exclusively serve the authority or its tenants, or both, the
65 authority shall bear the costs of the utility work. However, the
66 authority is not responsible for the cost of utility work
67 related to any subsequent additions to that facility for the
68 purpose of serving others. For a county or municipality, if such
69 utility facility was installed in the right-of-way as a means to
70 serve a county or municipal facility on a parcel of property
71 adjacent to the right-of-way and if the intended use of the
72 county or municipal facility is for a use other than
73 transportation purposes, the obligation of the county or
74 municipality to bear the costs of the utility work shall extend
75 only to utility work on the parcel of property on which the

76 facility of the county or municipality originally served by the
77 utility facility is located.

78 (e) If, under an agreement between a utility and the
79 authority entered into after July 1, 2009, the utility conveys,
80 subordinates, or relinquishes a compensable property right to
81 the authority for the purpose of accommodating the acquisition
82 or use of the right-of-way by the authority, without the
83 agreement expressly addressing future responsibility for the
84 cost of necessary utility work, the authority shall bear the
85 cost of removal or relocation. This paragraph does not impair or
86 restrict, and may not be used to interpret, the terms of any
87 such agreement entered into before July 1, 2009.

88 (f) If the utility is an electric facility being relocated
89 underground in order to enhance vehicular, bicycle, and
90 pedestrian safety and in which ownership of the electric
91 facility to be placed underground has been transferred from a
92 private to a public utility within the past 5 years, the
93 department shall incur all costs of the necessary utility work.

94 (g) An authority may bear the costs of utility work
95 required to eliminate an unreasonable interference when the
96 utility is not able to establish that it has a compensable
97 property right in the particular property where the utility is
98 located if:

99 1. The utility was physically located on the particular
100 property before the authority acquired rights in the property;

101 2. The utility demonstrates that it has a compensable
102 property right in adjacent properties along the alignment of the
103 utility or, after due diligence, certifies that the utility does
104 not have evidence to prove or disprove that it has a compensable
105 property right in the particular property where the utility is
106 located; and

107 3. The information available to the authority does not
108 establish the relative priorities of the authority's and the
109 utility's interests in the particular property.

110 (h) If a municipally owned utility or county-owned utility
111 is located in a rural area of opportunity, as defined in s.
112 288.0656(2), and the department determines that the utility is
113 unable, and will not be able within the next 10 years, to pay
114 for the cost of utility work necessitated by a department
115 project on the State Highway System, the department may pay, in
116 whole or in part, the cost of such utility work performed by the
117 department or its contractor.

118 (i) If the relocation of utility facilities is
119 necessitated by the construction of a commuter rail service
120 project or an intercity passenger rail service project and the
121 cost of the project is eligible and approved for reimbursement
122 by the Federal Government, then in that event the utility owning
123 or operating such facilities located by permit on a department-
124 owned rail corridor shall perform any necessary utility
125 relocation work upon notice from the department, and the

126 department shall pay the expense properly attributable to such
127 utility relocation work in the same proportion as federal funds
128 are expended on the commuter rail service project or an
129 intercity passenger rail service project after deducting
130 therefrom any increase in the value of a new facility and any
131 salvage value derived from an old facility. In no event shall
132 the state be required to use state dollars for such utility
133 relocation work. This paragraph does not apply to any phase of
134 the Central Florida Commuter Rail project, known as SunRail.

135 (j) If a utility is lawfully located within an existing
136 and valid utility easement granted by recorded plat, regardless
137 of whether such land was subsequently acquired by the authority
138 by dedication, transfer of fee, or otherwise, the authority must
139 bear the cost of the utility work required to eliminate an
140 unreasonable interference. The authority shall pay the entire
141 expense properly attributable to such work after deducting any
142 increase in the value of a new facility and any salvage value
143 derived from an old facility.

144 (k) If the authority requires a provider of communications
145 services that is subject to the Communications Services Tax
146 Simplification Law of chapter 202 to relocate a facility used to
147 provide such communications services, upon written notice by the
148 authority of such a need to relocate the facility, the
149 communications service provider owning or operating such
150 facility shall provide the authority a reasonable utility

151 relocation schedule to expedite the completion of the
152 authority's construction or maintenance project identified in
153 the notice, and, within 60 days after the written notice from
154 the authority, initiate any necessary work. The authority
155 requiring such relocation shall pay the entire expense properly
156 attributable to such work.

157 **Section 2. Subsection (5) of section 125.42, Florida**
158 **Statutes, is amended to read:**

159 125.42 Water, sewage, gas, power, telephone, other
160 utility, and television lines within the right-of-way limits of
161 county roads and highways.—

162 (5) In the event of widening, repair, or reconstruction of
163 any such road, the licensee shall move or remove such water,
164 sewage, gas, power, telephone, and other utility lines and
165 television lines at no cost to the county should they be found
166 by the county to be unreasonably interfering, except as provided
167 in s. 337.403(1)(d)-(k) ~~s. 337.403(1)(d)-(j)~~.

168 **Section 3. The Legislature finds and declares that this**
169 **act fulfills an important state interest.**

170 **Section 4. This act shall take effect July 1, 2025.**