

SB 388 by Montford (CO-INTRODUCERS) Gaetz; (Compare to CS/H 7093) Transportation Facility Designations

633822	PCS	S	RCS	TR			04/02 12:53 PM
630102	PCS:A	S	RCS	TR, Brandes	Delete L.25:		04/02 12:53 PM
363886	PCS:A	S	RCS	TR, Brandes	Delete L.58:		04/02 12:53 PM
710782	PCS:A	S	RCS	TR, Evers	btw L.85 - 86:		04/02 12:53 PM

CS/SB 896 by CA, Brandes; (Similar to CS/CS/H 0391) Location of Utilities

661092	D	S	RCS	TR, Brandes	Delete everything after		04/02 12:53 PM
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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

TRANSPORTATION
Senator Brandes, Chair
Senator Bullard, Vice Chair

MEETING DATE: Thursday, April 2, 2015
TIME: 11:30 a.m.—1:00 p.m.
PLACE: Mallory Horne Committee Room, 37 Senate Office Building

MEMBERS: Senator Brandes, Chair; Senator Bullard, Vice Chair; Senators Braynon, Evers, Grimsley, Simpson, and Thompson

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
<p>Senate Confirmation Hearing: A public hearing will be held for consideration of the below-named executive appointment to the office indicated.</p> <p>Tampa-Hillsborough County Expressway Authority</p>			
1	Garcia, John C. (Tampa)	07/01/2018	Recommend Confirm Yeas 6 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
<p>A proposed committee substitute for the following bill (SB 388) is expected to be considered:</p>			
2	SB 388 Montford (Compare H 7093)	Transportation Facility Designations; Providing an honorary designation of a certain transportation facility in a specified county; directing the Department of Transportation to erect suitable markers, etc. TR 04/02/2015 Fav/CS MS FP	Fav/CS Yeas 6 Nays 0
3	CS/SB 896 Community Affairs / Brandes (Similar CS/CS/H 391)	Location of Utilities; Authorizing the board of county commissioners to grant a license to work on or operate communications services within the right-of-way limits of certain county or public highways or roads; authorizing the Department of Transportation and certain local governmental entities to prescribe and enforce rules or regulations regarding placing and maintaining specified structures within the right-of-way limits of roads or publicly owned rail corridors under their respective jurisdictions; prohibiting a municipality or county from requiring a utility to provide proprietary maps of facilities under certain circumstances, etc. CA 03/23/2015 Fav/CS TR 04/02/2015 Fav/CS AP	Fav/CS Yeas 5 Nays 1

Other Related Meeting Materials

840

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

I, Ken Detzner, Secretary of State,
do hereby certify that

John C. Garcia

is duly appointed a member of the

**Tampa-Hillsborough County Expressway
Authority**

for a term beginning on the
Twenty-Sixth day of November, A.D., 2014,
until the First day of July, A.D., 2018
and is subject to be confirmed by the Senate
during the next regular session of the Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Twenty-Ninth day of December, A.D., 2014.*



Ken Detzner

Secretary of State

If photocopied or chemically altered, the word "VOID" will appear.

State of Florida appears in small letters across the face of this 8 1/2 x 11" document

OATH OF OFFICE
(Art. II, § 5(b), Fla. Const.)

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STATE OF FLORIDA

County of Hillsborough

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

THEA

(Title of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

Signature

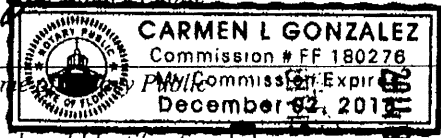
[Handwritten Signature]

Sworn to and subscribed before me this 18 day of December, 2014.

Signature of Officer Administering Oath of Notary Public

[Handwritten Signature]

Print, Type, or Stamp Commissioned Name



Personally Known OR

Produced Identification

Type of Identification Produced

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ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home Office

16101 Sonsoles de Avila

John C. Garcia

Street or Post Office Box

Print name as you desire commission issued

Tampa, FL 33613-1054

[Handwritten Signature]

City, State, Zip Code

Signature



RICK SCOTT
GOVERNOR

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SECRETARY OF STATE

December 1, 2014

The Honorable Kenneth W. Detzner
Secretary of State
State of Florida
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

Please be advised I have made the following appointment under the provisions of Section 1001.71, Florida Statutes:

Mr. John Garcia
16101 Sonsoles De Avila
Tampa, Florida 33613

as a member of the Tampa-Hillsborough County Expressway Authority, succeeding Stephen Diaco, subject to confirmation by the Senate. This appointment is effective November 26, 2014, for a term ending July 1, 2018.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott
Governor

RS/pb

111512

QUESTIONNAIRE FOR SENATE CONFIRMATION

The information from this questionnaire will be used by the Florida Senate in considering action on your confirmation. The questionnaire **MUST BE COMPLETED IN FULL**. Answer "none" or "not applicable" where appropriate. Please type or print in blue or black ink.

December 18/2014

Date Completed

1. Name: Mr. Garcia John C
Mr./Mrs./Ms. Last First Middle/Maiden

2. Business Address: 8508 Benjamin Rd Suite D Tampa
Street Office # City
Florida 33634 (866) 961-0606 ext 1305
Post Office Box State Zip Code Area Code/Phone Number

3. Residence Address: 16101 Sonsoles de Avila Tampa Hillsborough
Street City County
Florida 33613-1054 (813) 833-9993
Post Office Box State Zip Code Area Code/Phone Number

Specify the preferred mailing address: Business Residence Fax # _____ (optional)

4. A. List all your places of residence for the last five (5) years.

Address	City & State	From	To
16101 Sonsoles de Avila	Tampa, FL	Aug 2013	Present
5620 Piney Lane Dr	Tampa, FL	02/01/92	08/15/2013

B. List all your former and current residences outside of Florida that you have maintained at any time during adulthood.

Address	City & State	From
None		

5. Date of Birth: 11/16/1966 Place of Birth: Havana, Cuba

6. Social Security Number: _____

7. Driver License Number: _____ Issuing State: Florida

8. Have you ever used or been known by any other legal name? Yes No If "Yes" Explain

Juan Carlos Garcia, name was changed to John C. Garcia

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9. Are you a United States citizen? Yes No If "No" explain:

If you are a naturalized citizen, date of naturalization: 03/28/2006

10. Since what year have you been a continuous resident of Florida? 1969

11. Are you a registered Florida voter? Yes No If "Yes" list:

A. County of Registration: Hillsborough

B. Current Party Affiliation: Republican

12. Education

A. High School: Leto High School Year Graduated: 1984

(Name and Location)

B. List all postsecondary educational institutions attended:

<u>Name & Location</u>	<u>Dates Attended</u>	<u>Certificates/Degrees Received</u>
Hillsborough Community College	1985-1987	None

13. Are you or have you ever been a member of the armed forces of the United States? Yes No If "Yes" list:

A. Dates of Service: _____

B. Branch or Component: _____

C. Date & type of discharge: _____

14. Have you ever been arrested, charged, or indicted for violation of any federal, state, county, or municipal law, regulation, or ordinance? (Exclude traffic violations for which a fine or civil penalty of \$150 or less was paid.) Yes No If "Yes" give details:

<u>Date</u>	<u>Place</u>	<u>Nature</u>	<u>Disposition</u>
over 20 years ago	Tampa, FL	Traffic	Suspension/Fine

15. Concerning your current employer and for all of your employment during the last five years, list your employer's name, business address, type of business, occupation or job title, and period(s) of employment.

<u>Employer's Name & Address</u>	<u>Type of Business</u>	<u>Occupation/Job Title</u>	<u>Period of Employment</u>
World Wide Medical Services, Inc. 8508 Benjamin Rd Suite D Tampa, FL	Medical Equipment	President / CEO	6-01-2001 to present
Gabriel Homes Inc. Tampa, FL	Real Estate	Vice Pres of Operations	10-1-99 to 05-15-2011

16. Have you ever been employed by any state, district, or local governmental agency in Florida? Yes No If "Yes", identify the position(s), the name(s) of the employing agency, and the period(s) of employment:

<u>Position</u>	<u>Employing Agency</u>	<u>Period of Employment</u>
_____	_____	_____
_____	_____	_____

17. A. State your experiences and interests or elements of your personal history that qualify you for this appointment.

I, John Garcia, would be a good candidate for a position with the Hillsborough County Expressway Authority. I have worked and am well-versed in many facets of the Business Industry I have systematically built two separate multi million dollars businesses of which are still thriving in today's market in both, the medical and real estate industries. In each of these businesses, I instilled great attention to the "bottom-line" while continuously looking for avenues to maximize efficiency and identifying wastes in budget. As a long resident of Hillsborough County, I lived in close proximity to the LeRoy Selmon Expressway and had the rare advantage of watching the wonderful progress and growth governed by the Expressway. Additionally, with being a frequent client of the Selmon Expressway coupled by my many years of experience and understanding in both, residential and commercial property, my appointment to the Hillsborough County Expressway Authority can lend to supplying the appreciation and ground level positive insight with suggestions for improvements and future expansion, while restructuring existing costs in efforts to save money without sacrifice quality.

B. Have you received any degree(s), professional certification(s), or designations(s) related to the subject matter of this appointment? Yes No If "Yes", list:

C. Have you received any awards or recognitions relating to the subject matter of this appointment? Yes No If "Yes", list:

D. Identify all association memberships and association offices held by you that relate to this appointment:

Hillsborough County Affordable Housing Authority Board

18. Do you currently hold an office or position (appointive, civil service, or other) with the federal or any foreign government? Yes No If "Yes", list:

19. A. Have you ever been elected or appointed to any public office in this state? Yes No If "Yes", state the office title, date of election or appointment, term of office, and level of government (city, county, district, state, federal):

<u>Office Title</u>	<u>Date of Election or Appointment</u>	<u>Term of Office</u>	<u>Level of Government</u>
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B. If your service was on an appointed board(s), committee(s), or council(s):

(1) How frequently were meetings scheduled: _____

(2) If you missed any of the regularly scheduled meetings, state the number of meetings you attended, the number you missed, and the reasons(s) for your absence(s).

<u>Meetings Attended</u>	<u>Meetings Missed</u>	<u>Reason for Absence</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

20. Has probable cause ever been found that you were in violation of Part III, Chapter 112, F.S., the Code of Ethics for Public Officers and Employees? Yes No If "Yes", give details:

<u>Date</u>	<u>Nature of Violation</u>	<u>Disposition</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

21. Have you ever been suspended from any office by the Governor of the State of Florida? Yes No If "Yes", list:

A. Title of office: _____ C. Reason for suspension: _____

B. Date of suspension: _____ D. Result: Reinstated Removed Resigned

22. Have you previously been appointed to any office that required confirmation by the Florida Senate? Yes No If "Yes", list:

A. Title of Office: _____

B. Term of Appointment: _____

C. Confirmation results: _____

23. Have you ever been refused a fidelity, surety, performance, or other bond? Yes No If "Yes", explain:

24. Have you held or do you hold an occupational or professional license or certificate in the State of Florida? Yes No If "Yes", provide the title and number, original issue date, and issuing authority. If any disciplinary action (fine, probation, suspension, revocation, disbarment) has ever been taken against you by the issuing authority, state the type and date of the action taken:

<u>License/Certificate Title & Number</u>	<u>Original Issue Date</u>	<u>Issuing Authority</u>	<u>Disciplinary Action/Date</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

25. A. Have you, or businesses of which you have been and owner, officer, or employee, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes No If "Yes", explain:

<u>Name of Business</u>	<u>Your Relationship to Business</u>	<u>Business' Relationship to Agency</u>
World Wide Medical Services, Inc.	President and CEO	Approved provider of Med Equip to Medicare Patients
World Wide Medical Services, Inc.	President and CEO	Provider of Medical Equipment to Medicaid Patients
_____	_____	_____
_____	_____	_____

B. Have members of your immediate family (spouse, child, parents(s), siblings(s)), or businesses of which members of your immediate family have been owners, officers, or employees, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes No If "Yes", explain:

<u>Name of Business</u>	<u>Family Member's Relationship to You</u>	<u>Family Member's Relationship to Business</u>	<u>Business' Relationship to Agency</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

26. Have you ever been a registered lobbyist or have you lobbied at any level of government at any time during the past five (5) years? Yes No

A. Did you receive any compensation other than reimbursement for expenses? Yes No

B. Name of agency or entity you lobbied and the principal(s) you represented:

<u>Agency Lobbied</u>	<u>Principal Represented</u>
_____	_____
_____	_____
_____	_____

27. List three persons who have known you well within the past five (5) years. Include a current, complete address and telephone number. Exclude your relatives and members of the Florida Senate.

<u>Name</u>	<u>Mailing Address</u>	<u>Zip Code</u>	<u>Area Code/Phone Number</u>
Tony Muniz	_____	_____	_____
Kenneth L Hagan, Jr.	_____	_____	_____
Elizabeth Rodriguez	_____	_____	_____
_____	_____	_____	_____

28. Name any business, professional, occupational, civic, or fraternal organizations(s) of which you are now a member, or of which you have been a member during the past five (5) years, the organization address(es), and date(s) of your membership(s).

<u>Name</u>	<u>Mailing Address</u>	<u>Office(s) Held & Term</u>	<u>Date(s) of Membership</u>
Avila Prof Alliance	943 Guisando de Avila	Tampa, FL 33613 none	since 05/01/2011
Tampa Rough Riders	601 N 19th St, Tampa, FL	33605 none	10/01/2011
_____	_____	_____	_____
_____	_____	_____	_____

29. Do you know of any reason why you will not be able to attend fully to the duties of the office or position to which you have been or will be appointed? Yes No If "Yes", explain:

30. If required by law or administrative rule, will you file financial disclosure statements? Yes No

MEMORANDUM

AS A GENERAL MATTER, APPLICATIONS FOR ALL POSITIONS WITHIN STATE GOVERNMENT ARE PUBLIC RECORDS WHICH MAY BE VIEWED BY ANYONE UPON REQUEST. HOWEVER, THERE ARE SOME EXEMPTIONS FROM THE PUBLIC RECORDS LAW FOR IDENTIFYING INFORMATION RELATING TO PAST AND PRESENT LAW ENFORCEMENT OFFICERS AND THEIR FAMILIES, VICTIMS OF CERTAIN CRIMES, ETC. IF YOU BELIEVE AN EXEMPTION FROM THE PUBLIC RECORDS LAW APPLIES TO YOUR SUBMISSION, PLEASE CHECK THIS BOX.

Yes, I assert that identifying information provided in this application should be excluded from inspection under the Public Records Law.

Because: (please provide cite.) _____

IF YOU NEED ADDITIONAL GUIDANCE AS TO THE APPLICABILITY OF ANY PUBLIC RECORDS LAW EXEMPTION TO YOUR SITUATION, PLEASE CONTACT THE OFFICE OF THE ATTORNEY GENERAL.

The Office of the Attorney General
PL-01, The Capitol
Tallahassee, Florida 32399
(850) 245-0150

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CERTIFICATION

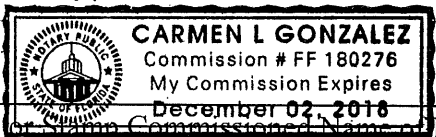
STATE OF FLORIDA
COUNTY OF Hillsborough

Before me, the undersigned Notary Public of Florida, personally appeared John C. Garcia,
who, after being duty sworn, say: (1) that he/she has carefully and personally prepared or read
the answers to the foregoing questions; (2) that the information contained in said answers is
complete and true; and (3) that he/she will, as an appointee, fully support the Constitutions of the
United States and of the State of Florida.

[Signature]
Signature of Applicant-Affiant

Sworn to and subscribed before me this 18 day of December, 2014.

[Signature]
Signature of Notary Public State of Florida



(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: 12/2/2018

Personally Known OR Produced Identification

Type of Identification Produced _____

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(seal)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: PCS/SB 388 (633822)

INTRODUCER: Transportation Committee and Senators Montford and Gaetz

SUBJECT: Transportation Facility Designations

DATE: March 30, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Eichin	TR	Pre-meeting
2.			MS	
3.			FP	

I. Summary:

PCS/SB 388 creates a number of honorary designations of transportation facilities around the state as follows:

- Upon completion of replacement construction, bridge number 380096 on U.S. 221/S.R. 55 over the Econfina River in Taylor County is designated as “Private First Class Joey Moody Bridge.”
- U.S. 1/S.R. 15 between 5th Avenue and C.R. 108 in Nassau County is designated as “Emmitt G. Coakley Memorial Highway.”
- State Road 60 between the Hillsborough County Line and Mandalay Avenue in Pinellas County is designated as “Purple Heart Trail.”
- U.S. 19A/S.R. 595 between Tarpon Avenue and the Pasco County line in Pinellas County is designated as “Officer Charles ‘Charlie K’ Kondek Memorial Highway.”
- S.R. 80 between Hickey Creek Road and Carter Lane in Lee County is designated as “Corporal Joseph R. Bertrand Memorial Highway.”
- Interstate 75/S.R. 93A between Fowler Avenue and Fletcher Avenue in Hillsborough County is designated as “Lieutenant Benedict J. Thomas Memorial Highway.”
- The Homestead extension of the Florida Turnpike/S.R. 821 between Milepost 34 and Milepost 36 in Miami-Dade County is designated as “Trooper Patrick Ambrose Memorial Highway.”
- Golden Gate Parkway between U.S. 41/S.R. 45/Tamiami Trail and C.R. 851 in Collier County is designated as “Mary Ellen Hawkins Street.”
- S.R. 35/N.E. 58th Avenue between C.R. 314/N.E. 7th Street and S.E. 20th Street in Marion County is designated as “Elizabeth Inez and Elijah Davis Highway.”
- S.R. 973/87th Avenue between S.R. 94/Kendall Drive and S.W. 92nd Street in Miami-Dade County is designated as “Lee Klein Way.”
- C.R. 435/Apopka Vineland Road between Old Winter Garden Road and C.R. 439/Conroy-Windemere Road in Orange County is designated as “Deputy Scott Pine Way.”

- U.S. 19/98/S.R. 55 between N. Otter Creek Avenue and S.E. 1st Avenue in Levy County is designated as “Deputy Sheriff Atticus Haygood Ellzey Memorial Highway.”
- U.S. 98/S.R.30 between Ryan Drive/W. 11th Street and N.E./S.E. 12th Street in Franklin County is designated as “SP4 Robert Clifford Millender Memorial Highway.”
- U.S. 1/S.R. 5/North Federal Highway between S.R. 842/Broward Boulevard and S.R. 838/Sunrise Boulevard in Broward County as “Lauren F. Book Boulevard.”
- S.R. 510/Fiske Boulevard located within the corporate limits of the City of Rockledge in Brevard County is designated as “Dr. Martin Luther King, Jr., Memorial Highway.”
- The SunRail Bridge, number 750255, over U.S. 17/92/S.R. 15 in Orange County is designated as “The Reverend Kenneth C. Crossman Bridge.”
- East Street between East Twigg Street and U.S. 41B/S.R. 60/East Kennedy Boulevard in Hillsborough County is designated as "Pat Frank Road."
- N. Franklin Street between East Twigg Street and U.S. 41B/S.R. 60/East Jackson Street in Hillsborough County is designated as "Sandra Warshaw Freedman Street."
- Davis Boulevard between Adalia Avenue and Adriatic Avenue in Hillsborough County is designated as "Helen Gordon Davis Boulevard."
- North Willow Avenue between West Cypress Street and West Cass Street in Hillsborough County is designated as "Francisco Rodriguez Avenue."
- U.S. 19A/S.R. 595/5th Avenue North between 25th Street North and 28th Street North in Pinellas County is designated as "Vyrle Davis Avenue."
- The San Juan Street Extension in Anastasia State Park between Santander Street and Park Road in St. Johns County is designated as "Nona and Popa Road."
- S.R. 368 between U.S. 98/S.R. 30 and S.R. 390 in Bay County is designated as “Col. William W. Wood Memorial Highway.”

II. Present Situation:

Section 334.071, F.S., provides that legislative designations of transportation facilities are for honorary or memorial purposes, or to distinguish a particular facility. Such designations are not to be construed as requiring any action by local governments or private parties regarding the changing of any street signs, mailing addresses, or 911 emergency telephone number system listings, unless the legislation specifically provides for such changes.

When the Legislature establishes road or bridge designations, the Florida Department of Transportation (FDOT) is required to place markers only at the termini specified for each highway segment or bridge designated by the law creating the designation, and to erect any other markers it deems appropriate for the transportation facility.

The FDOT may not erect the markers for honorary road or bridge designations unless the affected city or county commission enacts a resolution supporting the designation. When the designated road or bridge segment is located in more than one city or county, resolutions supporting the designations must be passed by each affected local government prior to the erection of the markers.

III. Effect of Proposed Changes:

Section 1, upon completion of replacement construction, designates bridge number 380096 on U.S. 221/S.R. 55 over the Econfina River in Taylor County as “Private First Class Joey Moody Bridge.”

Private First Class Joey Moody grew upon in Shady Grove on the Econfina River. He attended Shady Grove Grammar School and Graduated from Taylor County High School before attending the University of Florida. On June 21, 1952, PFC Moody, serving in Korea, was one of three men sent into enemy fire to repair a crucial communications line and lost his life when a mortar round exploded. He was posthumously awarded the National Defense Medal, the Korean Combat Medal, the Korean Battle Medal, and the Purple Heart.

Section 2 designates that portion of U.S. 1/S.R. 15 between 5th Avenue and C.R. 108 in Nassau County as “Emmitt G. Coakley Memorial Highway.”

Emmitt G. Coakley was a teacher, mentor, and principal in Nassau who retired after 30 years of service. He returned as a substitute teacher for an additional 23 years. He served his community in many ways, including 30 years on the Nassau County Planning and Zoning Board and nine years on the Conditional Use and Variance Board. He was an active member of the Retired Teachers’ Association of Nassau County, Chairman of the Deacon Ministry of Second Baptist Church, and served his country as a member of the United States Army.

Section 3 designates that portion of State Road 60 between the Hillsborough County Line and Mandalay Avenue in Pinellas County as “Purple Heart Trail.”

The purpose of the Purple Heart Trail, according to the Purple Heart website, “is to create a symbolic and honorary system of roads, highways, bridges, and other monuments that give tribute to the men and women who have been awarded the Purple Heart medal. ... Signs placed at various locations annotate those roads and highways where legislation has been passed to designate parts of the national road system as “Purple Heart Trail.”¹

Section 4 designates that portion of U.S. 19A/S.R. 595 between Tarpon Avenue and the Pasco County line in Pinellas County as “Officer Charles ‘Charlie K’ Kondek Memorial Highway.”

Officer Charles “Charlie K.” Kondek, Jr., served the citizens of the City of Tarpon Springs as a law enforcement officer for over 17 years. On December 21, 2014, while investigating a noise nuisance complaint, Officer Kondek was ambushed by an armed adversary, exchanged gunfire, and paid the ultimate sacrifice while in service to his community.

Section 5 designates that portion of S.R. 80 between Hickey Creek Road and Carter Lane in Lee County as “Corporal Joseph R. Bertrand Memorial Highway.”

Corporal Joseph R. Bertrand was a member of the Florida Highway Patrol who served the citizens of the State of Florida for 16 years. On December 22, 1967, Corporal Bertrand was shot

¹ See *The Military Order of the Purple Heart* website: <http://www.purpleheart.org/PHTrail/>. Last visited March 30, 2015.

and killed while conducting a driving-under-the-influence investigation on State Road 80 in Fort Myers.

Section 6 designates that portion of Interstate 75/S.R. 93A between Fowler Avenue and Fletcher Avenue in Hillsborough County as “Lieutenant Benedict J. Thomas Memorial Highway.”

Lieutenant Benedict J. Thomas was a member of the Florida Highway Patrol who served the citizens of the State of Florida for 11 years. On June 9, 1989, Lieutenant Thomas was struck and killed by a passing car while walking back to his vehicle after investigating an abandoned vehicle on Interstate 75 in Tampa.

Section 7 designates that portion of the Homestead extension of the Florida Turnpike/S.R. 821 between Milepost 34 and Milepost 36 in Miami-Dade County as “Trooper Patrick Ambrose Memorial Highway.”

Trooper Patrick Ambrose was a member of the Florida Highway Patrol who served the citizens of the State of Florida for four years. On May 15, 2010, while parked in his patrol vehicle on the shoulder of northbound State Road 821, a passing vehicle veered onto the paved emergency shoulder and struck the left rear section of the patrol vehicle, killing Trooper Ambrose.

Section 8 designates that portion of Golden Gate Parkway between U.S. 41/S.R. 45/Tamiami Trail and C.R. 851 in Collier County as “Mary Ellen Hawkins Street.”

Mary Ellen Hawkins was Collier County’s first female state representative. She served in the Florida House of Representatives from 1974 to 1994 and subsequently remained active in promoting and improving her community.

Section 9 designates that portion of S.R. 35/N.E. 58th Avenue between C.R. 314/N.E. 7th Street and S.E. 20th Street in Marion County as “Elizabeth Inez and Elijah Davis Highway.”

Elizabeth Inez Davis was a devoted children’s advocate and community leader in the Ocala area. She founded the Mount Canaan Community Youth Center. Ms. Davis passed away on December 6, 2002.

Elijah Davis volunteered for over 60 years at the Mount Canaan Community Youth Center and still volunteers at the age of 101.

Section 10 designates that portion of S.R. 973/87th Avenue between S.R. 94/Kendall Drive and S.W. 92nd Street in Miami-Dade County as “Lee Klein Way.”

Lee Klein began her career as a volunteer charity worker for children’s causes in 1956 and, in 1965, founded what is now known as the Children’s Cancer Caring Center. Ms. Klein serves as the Chief Executive Officer, Chairman of the Board, and as Patient Program Director of the Center. She has received numerous awards for her work on behalf of children with cancer.

Section 11 designates that portion of C.R. 435/Apopka Vineland Road between Old Winter Garden Road and C.R. 439/Conroy-Windermere Road in Orange County as “Deputy Scott Pine Way.”

Deputy Scott Pine took his oath as Deputy Sheriff on May 23, 2011, promising to protect and defend the citizens of Orange County. He received the Deputy of the Month in 2014 and was encouraged to assist and mentor new assigned deputies. On February 11, 2014, Deputy Pine was working patrol on the midnight shift when he responded to a call of vehicle burglary. Upon arrival at the scene, Deputy Pine gave chase to a suspect, and the suspect shot Deputy Pine. He succumbed to his injuries, leaving his wife and three young children.

Section 12 designates that portion of U.S. 19/98/S.R. 55 between N. Otter Creek Avenue and S.E. 1st Avenue in Levy County as “Deputy Sheriff Atticus Haygood Ellzey Memorial Highway.”

Deputy Sheriff Atticus Haygood Ellzey of the Levy County Sheriff’s Office was a lifelong resident of Otter Creek. On January 28, 1945, Deputy Ellzey was shot during an attempt to escort two men from a business establishment. He died of his injuries, leaving his wife and thirteen children. The Levy County Board of County Commissioners requests the designation in honor of the 70th anniversary of Deputy Ellzey’s death.

Section 13 designates that portion of U.S. 98/S.R.30 between Ryan Drive/W. 11th Street and N.E./S.E. 12th Street in Franklin County as “SP4 Robert Clifford Millender Memorial Highway.”

SP4 Robert Clifford Millender was inducted into the Army on August 7, 1968. After boot training, he was transferred to Viet Nam, where he served for two months before being injured in a land mine explosion. He was returned to Walter Reed General Hospital and discharged from the Army on July 22, 1969. SP4 Millender died of his war-related injuries on January 14, 1970. He received the Purple Heart, the National Defense Service Medal, and the Viet Nam Service Medal.

Section 14 designates that portion of U.S. 1/S.R. 5/North Federal Highway between S.R. 842/Broward Boulevard and S.R. 838/Sunrise Boulevard in Broward County as “Lauren F. Book Boulevard.”

Lauren F. Book is the founder and Chief Executive Officer of Lauren’s Kids. Lauren’s Kids educates adults and children about sexual abuse prevention through in-school curricula, awareness campaigns, and speaking engagements around the country and the world. The organization also leads an annual, statewide awareness walk, called “Walk in My Shoes,” and provides more than seven million education and awareness materials statewide through direct mail every year.

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Section 16 designates the SunRail Bridge, number 750255, over U.S. 17/92/S.R. 15 in Orange County as “The Reverend Kenneth C. Crossman Bridge.”

Reverend Crossman, known as “the Bridge Builder,” worked throughout his service to bring together diverse people and communities. He is recognized for his work on race relations and racial reconciliation. The Reverend Kenneth C. Crossman Scholarship was established at Bethune-Cookman University in 2004 as a memorial to Reverend Crossman.

Section 17 designates that portion of East Street between East Twiggs Street and U.S. 41B/S.R. 60/East Kennedy Boulevard in Hillsborough County as "Pat Frank Road."

A former chair of the Hillsborough County Board of County Commissioners, and, currently, the Hillsborough County Clerk of the Circuit Court, Pat Frank is noted for her distinguished career in public service. Starting with her election to the Hillsborough County School Board – which she later chaired – voters then sent her to the Florida House, followed by the Florida Senate for a decade. Lauded for her legislative service, she was the first woman to receive recognition as a House “Most Effective First Term Member” and, later, as “Most Respected Senator,” and has received over 50 awards for her public service and volunteer activities.

Section 18 designates that portion of N. Franklin Street between East Twiggs Street and U.S. 41B/S.R. 60/East Jackson Street in Hillsborough County is designated as "Sandra Warshaw Freedman Street."

On July 16, 1986, Sandra Warshaw Freedman became Tampa’s first woman mayor, and broke a glass ceiling by appointing many minorities and women to top management positions in city government. She also organized Tampa’s first march against hate crimes, and banned city employees from using racist, sexist and religious slurs.

Section 19 designates that portion of Davis Boulevard between Adalia Avenue and Adriatic Avenue in Hillsborough County as "Helen Gordon Davis Boulevard."

Helen Gordon Davis was born in New York City and moved to Tampa in 1948. In 1952, she was the first white woman in Florida to join the NAACP. Davis founded Florida’s first women’s center in 1971, and in 1974, she was the first woman elected from Hillsborough County to the Florida House of Representatives. She was reelected for six consecutive terms and, in 1988, was elected to the Florida Senate. Ms. Davis served as a Florida legislator for almost two decades, and she championed the civil rights of women and minorities.

Section 20 designates that portion of North Willow Avenue between West Cypress Street and West Cass Street in Hillsborough County is designated as "Francisco Rodriguez Avenue."

The son of a Cuban cigar maker, Francisco Rodriguez was a key organizer in the Civil Rights Movement in the late 1950’s. Prior to becoming a prominent civil rights attorney, Mr. Rodriguez was a school teacher, and a U.S. Marine, barred from officer training because of his skin color (though he still applied). He later became a leader with the NAACP, and led the fight in the courts to end segregation in Hillsborough County’s schools, parks and other public facilities.

Section 21 designates that portion of U.S. 19A/S.R. 595/5th Avenue North between 25th Street North and 28th Street North in Pinellas County as "Vyrle Davis Avenue."

Vyrle Davis was St. Petersburg High School's first black principal, later becoming the county's first black area superintendent. He founded the Ebony Scholars program in 1984, which has awarded high-achieving black students more than \$500,000 in scholarships. He founded COQUEB and AVEREC, which advocates for quality education of black students and voter education, respectively.

Section 22 designates that portion of the San Juan Street Extension in Anastasia State Park between Santander Street and Park Road in St. Johns County as "Nona and Popa Road."

This designation is in honor of all grandmothers and grandfathers who take grandchildren to State Parks.

Section 23 designates that portion of S.R. 368 between U.S. 98/S.R. 30 and S.R. 390 in Bay County as "Col. William W. Wood Memorial Highway."

Col. William W. Wood was a regular Army Soldier assigned to the Army National Guard's 1st Battalion, 18th Infantry Regiment. He was a Lt. Colonel while directing security operations following an explosion when another bomb went off in Baghdad, Iraq. He died on October 27, 2005, leaving his wife and daughter, and was posthumously promoted to Colonel.

Section 24 directs the FDOT to erect suitable markers for each of the described designations.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The estimated cost to erect the designation markers required under this bill is \$23,000 for 46 signs at a cost of no less than \$500 each. The estimate includes sign fabrication, installation, and maintenance over time but does not include any additional expenses related to maintenance of traffic, dedication event costs, or replacement necessitated by damage, vandalism, or storm events.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The FDOT advises the following designations are not located on the State Highway System:

- Mary Ellen Hawkins Street
- Deputy Scott Pine Way
- Pat Frank Road
- Sandra Warshaw Freedman Street
- Helen Gordon Davis Boulevard
- Francisco Rodriguez Avenue
- Nona and Popa Road

VIII. Statutes Affected:

This bill creates an undesignated section of Florida Law.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.



630102

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/02/2015	.	
	.	
	.	
	.	

The Committee on Transportation (Brandes) recommended the following:

Senate Amendment

Delete line 25
and insert:
"Officer Charles 'Charlie K' Kondek, Jr., Memorial Highway."



363886

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/02/2015	.	
	.	
	.	
	.	

The Committee on Transportation (Brandes) recommended the following:

Senate Amendment

Delete line 58
and insert:
(15) That portion of S.R. 519/Fiske Boulevard located



710782

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/02/2015	.	
	.	
	.	
	.	

The Committee on Transportation (Evers) recommended the following:

Senate Amendment

Between lines 85 and 86
insert:

(24) That portion of S.R. 948/N.W. 36th Street between
Curtiss Parkway/N.W. 57th Avenue and N.W. 67th Avenue in Miami-
Dade County is designated as "Virginia Gardens Boulevard."



TR.TR.03079

Proposed Committee Substitute by the Committee on Transportation

A bill to be entitled

An act relating to transportation facility designations; providing honorary designations of various transportation facilities in specified counties; directing the Department of Transportation to erect suitable markers; providing an effective date.

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

Section 1. Transportation facility designations; Department of Transportation to erect suitable markers.-

(1) Upon completion of replacement construction, bridge number 380096 on U.S. 221/S.R. 55 over the Econfina River in Taylor County is designated as "Private First Class Joey Moody Bridge."

(2) That portion of U.S. 1/S.R. 15 between 5th Avenue and C.R. 108 in Nassau County is designated as "Emmitt G. Coakley Memorial Highway."

(3) That portion of State Road 60 between the Hillsborough County Line and Mandalay Avenue in Pinellas County is designated as "Purple Heart Trail."

(4) That portion of U.S. 19A/S.R. 595 between Tarpon Avenue and the Pasco County line in Pinellas County is designated as "Officer Charles 'Charlie K' Kondek Memorial Highway."

(5) That portion of S.R. 80 between Hickey Creek Road and Carter Lane in Lee County is designated as "Corporal Joseph R. Bertrand Memorial Highway."



TR.TR.03079

(6) That portion of Interstate 75/S.R. 93A between Fowler Avenue and Fletcher Avenue in Hillsborough County is designated as "Lieutenant Benedict J. Thomas Memorial Highway."

(7) That portion of the Homestead extension of the Florida Turnpike/S.R. 821 between Milepost 34 and Milepost 36 in Miami-Dade County is designated as "Trooper Patrick Ambroise Memorial Highway."

(8) That portion of Golden Gate Parkway between U.S. 41/S.R. 45/Tamiami Trail and C.R. 851 in Collier County is designated as "Mary Ellen Hawkins Street."

(9) That portion of S.R. 35/N.E. 58th Avenue between C.R. 314/N.E. 7th Street and S.E. 20th Street in Marion County is designated as "Elizabeth Inez and Elijah Davis Highway."

(10) That portion of S.R. 973/87th Avenue between S.R. 94/Kendall Drive and S.W. 92nd Street in Miami-Dade County is designated as "Lee Klein Way."

(11) That portion of C.R. 435/Apopka Vineland Road between Old Winter Garden Road and C.R. 439/Conroy-Windemere Road in Orange County is designated as "Deputy Scott Pine Way."

(12) That portion of U.S. 19/98/S.R. 55 between N. Otter Creek Avenue and S.E. 1st Avenue in Levy County is designated as "Deputy Sheriff Atticus Haygood Ellzey Memorial Highway."

(13) That portion of U.S. 98/S.R.30 between Ryan Drive/W. 11th Street and N.E./S.E. 12th Street in Franklin County is designated as "SP4 Robert Clifford Millender Memorial Highway."

(14) That portion of U.S. 1/S.R. 5/North Federal Highway between S.R. 842/Broward Boulevard and S.R. 838/Sunrise Boulevard in Broward County is designated as "Lauren F. Book Boulevard."



633822

TR.TR.03079

58 (15) That portion of S.R. 510/Fiske Boulevard located
59 within the corporate limits of the City of Rockledge in Brevard
60 County is designated as "Dr. Martin Luther King, Jr., Memorial
61 Highway."

62 (16) The SunRail Bridge, number 750255, over U.S.
63 17/92/S.R. 15 in Orange County is designated as "The Reverend
64 Kenneth C. Crossman Bridge."

65 (17) That portion of East Street between East Twiggs Street
66 and U.S. 41B/S.R. 60/East Kennedy Boulevard in Hillsborough
67 County is designated as "Pat Frank Road."

68 (18) That portion of N. Franklin Street between East Twiggs
69 Street and U.S. 41B/S.R. 60/East Jackson Street in Hillsborough
70 County is designated as "Sandra Warshaw Freedman Street."

71 (19) That portion of Davis Boulevard between Adalia Avenue
72 and Adriatic Avenue in Hillsborough County is designated as
73 "Helen Gordon Davis Boulevard."

74 (20) That portion of North Willow Avenue between West
75 Cypress Street and West Cass Street in Hillsborough County is
76 designated as "Francisco Rodriguez Avenue."

77 (21) That portion of U.S. 19A/S.R. 595/5th Avenue North
78 between 25th Street North and 28th Street North in Pinellas
79 County is designated as "Vyrle Davis Avenue."

80 (22) That portion of the San Juan Street Extension in
81 Anastasia State Park between Santander Street and Park Road in
82 St. Johns County is designated as "Nona and Popa Road."

83 (23) That portion of S.R. 368 between U.S. 98/S.R. 30 and
84 S.R. 390 in Bay County as "Col. William W. Wood Memorial
85 Highway."

86 (24) The Department of Transportation is directed to erect



633822

TR.TR.03079

87 suitable markers designating the transportation facilities as
88 described in this section.

89 Section 2. This act shall take effect July 1, 2015.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: CS/SB 388

INTRODUCER: Transportation Committee and Senators Montford and Gaetz

SUBJECT: Transportation Facility Designations

DATE: April 6, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Eichin	TR	Fav/CS
2.			MS	
3.			FP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 388 creates a number of honorary designations of transportation facilities around the state as follows:

- Upon completion of replacement construction, bridge number 380096 on U.S. 221/S.R. 55 over the Econfina River in Taylor County is designated as “Private First Class Joey Moody Bridge.”
- U.S. 1/S.R. 15 between 5th Avenue and C.R. 108 in Nassau County is designated as “Emmitt G. Coakley Memorial Highway.”
- State Road 60 between the Hillsborough County Line and Mandalay Avenue in Pinellas County is designated as “Purple Heart Trail.”
- U.S. 19A/S.R. 595 between Tarpon Avenue and the Pasco County line in Pinellas County is designated as “Officer Charles ‘Charlie K’ Kondek, Jr., Memorial Highway.”
- S.R. 80 between Hickey Creek Road and Carter Lane in Lee County is designated as “Corporal Joseph R. Bertrand Memorial Highway.”
- Interstate 75/S.R. 93A between Fowler Avenue and Fletcher Avenue in Hillsborough County is designated as “Lieutenant Benedict J. Thomas Memorial Highway.”
- The Homestead extension of the Florida Turnpike/S.R. 821 between Milepost 34 and Milepost 36 in Miami-Dade County is designated as “Trooper Patrick Ambroise Memorial Highway.”
- Golden Gate Parkway between U.S. 41/S.R. 45/Tamiami Trail and C.R. 851 in Collier County is designated as “Mary Ellen Hawkins Street.”

- S.R. 35/N.E. 58th Avenue between C.R. 314/N.E. 7th Street and S.E. 20th Street in Marion County is designated as “Elizabeth Inez and Elijah Davis Highway.”
- S.R. 973/87th Avenue between S.R. 94/Kendall Drive and S.W. 92nd Street in Miami-Dade County is designated as “Lee Klein Way.”
- C.R. 435/Apopka Vineland Road between Old Winter Garden Road and C.R. 439/Conroy-Windemere Road in Orange County is designated as “Deputy Scott Pine Way.”
- U.S. 19/98/S.R. 55 between N. Otter Creek Avenue and S.E. 1st Avenue in Levy County is designated as “Deputy Sheriff Atticus Haygood Ellzey Memorial Highway.”
- U.S. 98/S.R.30 between Ryan Drive/W. 11th Street and N.E./S.E. 12th Street in Franklin County is designated as “SP4 Robert Clifford Millender Memorial Highway.”
- U.S. 1/S.R. 5/North Federal Highway between S.R. 842/Broward Boulevard and S.R. 838/Sunrise Boulevard in Broward County as “Lauren F. Book Boulevard.”
- S.R. 519/Fiske Boulevard located within the corporate limits of the City of Rockledge in Brevard County is designated as “Dr. Martin Luther King, Jr., Memorial Highway.”
- The SunRail Bridge, number 750255, over U.S. 17/92/S.R. 15 in Orange County is designated as “The Reverend Kenneth C. Crossman Bridge.”
- East Street between East Twiggs Street and U.S. 41B/S.R. 60/East Kennedy Boulevard in Hillsborough County is designated as "Pat Frank Road."
- N. Franklin Street between East Twiggs Street and U.S. 41B/S.R. 60/East Jackson Street in Hillsborough County is designated as "Sandra Warshaw Freedman Street."
- Davis Boulevard between Adalia Avenue and Adriatic Avenue in Hillsborough County is designated as "Helen Gordon Davis Boulevard."
- North Willow Avenue between West Cypress Street and West Cass Street in Hillsborough County is designated as "Francisco Rodriguez Avenue."
- U.S. 19A/S.R. 595/5th Avenue North between 25th Street North and 28th Street North in Pinellas County is designated as "Vyrle Davis Avenue."
- The San Juan Street Extension in Anastasia State Park between Santander Street and Park Road in St. Johns County is designated as "Nona and Popa Road."
- S.R. 368 between U.S. 98/S.R. 30 and S.R. 390 in Bay County is designated as “Col. William W. Wood Memorial Highway.”
- S.R. 948/N.W. 36th Street between Curtiss Parkway/N.W. 57th Avenue and N.W. 67th Avenue in Miami-Dade County as “Virginia Gardens Boulevard.”

II. Present Situation:

Section 334.071, F.S., provides that legislative designations of transportation facilities are for honorary or memorial purposes, or to distinguish a particular facility. Such designations are not to be construed as requiring any action by local governments or private parties regarding the changing of any street signs, mailing addresses, or 911 emergency telephone number system listings, unless the legislation specifically provides for such changes.

When the Legislature establishes road or bridge designations, the Florida Department of Transportation (FDOT) is required to place markers only at the termini specified for each highway segment or bridge designated by the law creating the designation, and to erect any other markers it deems appropriate for the transportation facility.

The FDOT may not erect the markers for honorary road or bridge designations unless the affected city or county commission enacts a resolution supporting the designation. When the designated road or bridge segment is located in more than one city or county, resolutions supporting the designations must be passed by each affected local government prior to the erection of the markers.

III. Effect of Proposed Changes:

Section 1, upon completion of replacement construction, designates bridge number 380096 on U.S. 221/S.R. 55 over the Econfina River in Taylor County as “Private First Class Joey Moody Bridge.”

Private First Class Joey Moody grew upon in Shady Grove on the Econfina River. He attended Shady Grove Grammar School and Graduated from Taylor County High School before attending the University of Florida. On June 21, 1952, PFC Moody, serving in Korea, was one of three men sent into enemy fire to repair a crucial communications line and lost his life when a mortar round exploded. He was posthumously awarded the National Defense Medal, the Korean Combat Medal, the Korean Battle Medal, and the Purple Heart.

Section 2 designates that portion of U.S. 1/S.R. 15 between 5th Avenue and C.R. 108 in Nassau County as “Emmitt G. Coakley Memorial Highway.”

Emmitt G. Coakley was a teacher, mentor, and principal in Nassau who retired after 30 years of service. He returned as a substitute teacher for an additional 23 years. He served his community in many ways, including 30 years on the Nassau County Planning and Zoning Board and nine years on the Conditional Use and Variance Board. He was an active member of the Retired Teachers’ Association of Nassau County, Chairman of the Deacon Ministry of Second Baptist Church, and served his country as a member of the United States Army.

Section 3 designates that portion of State Road 60 between the Hillsborough County Line and Mandalay Avenue in Pinellas County as “Purple Heart Trail.”

The purpose of the Purple Heart Trail, according to the Purple Heart website, “is to create a symbolic and honorary system of roads, highways, bridges, and other monuments that give tribute to the men and women who have been awarded the Purple Heart medal. ... Signs placed at various locations annotate those roads and highways where legislation has been passed to designate parts of the national road system as “Purple Heart Trail.”¹

Section 4 designates that portion of U.S. 19A/S.R. 595 between Tarpon Avenue and the Pasco County line in Pinellas County as “Officer Charles ‘Charlie K’ Kondek, Jr., Memorial Highway.”

Officer Charles “Charlie K.” Kondek, Jr., served the citizens of the City of Tarpon Springs as a law enforcement officer for over 17 years. On December 21, 2014, while investigating a noise

¹ See *The Military Order of the Purple Heart* website: <http://www.purpleheart.org/PHTrail/>. Last visited March 30, 2015.

nuisance complaint, Officer Kondek was ambushed by an armed adversary, exchanged gunfire, and paid the ultimate sacrifice while in service to his community.

Section 5 designates that portion of S.R. 80 between Hickey Creek Road and Carter Lane in Lee County as “Corporal Joseph R. Bertrand Memorial Highway.”

Corporal Joseph R. Bertrand was a member of the Florida Highway Patrol who served the citizens of the State of Florida for 16 years. On December 22, 1967, Corporal Bertrand was shot and killed while conducting a driving-under-the-influence investigation on State Road 80 in Fort Myers.

Section 6 designates that portion of Interstate 75/S.R. 93A between Fowler Avenue and Fletcher Avenue in Hillsborough County as “Lieutenant Benedict J. Thomas Memorial Highway.”

Lieutenant Benedict J. Thomas was a member of the Florida Highway Patrol who served the citizens of the State of Florida for 11 years. On June 9, 1989, Lieutenant Thomas was struck and killed by a passing car while walking back to his vehicle after investigating an abandoned vehicle on Interstate 75 in Tampa.

Section 7 designates that portion of the Homestead extension of the Florida Turnpike/S.R. 821 between Milepost 34 and Milepost 36 in Miami-Dade County as “Trooper Patrick Ambrose Memorial Highway.”

Trooper Patrick Ambrose was a member of the Florida Highway Patrol who served the citizens of the State of Florida for four years. On May 15, 2010, while parked in his patrol vehicle on the shoulder of northbound State Road 821, a passing vehicle veered onto the paved emergency shoulder and struck the left rear section of the patrol vehicle, killing Trooper Ambrose.

Section 8 designates that portion of Golden Gate Parkway between U.S. 41/S.R. 45/Tamiami Trail and C.R. 851 in Collier County as “Mary Ellen Hawkins Street.”

Mary Ellen Hawkins was Collier County’s first female state representative. She served in the Florida House of Representatives from 1974 to 1994 and subsequently remained active in promoting and improving her community.

Section 9 designates that portion of S.R. 35/N.E. 58th Avenue between C.R. 314/N.E. 7th Street and S.E. 20th Street in Marion County as “Elizabeth Inez and Elijah Davis Highway.”

Elizabeth Inez Davis was a devoted children’s advocate and community leader in the Ocala area. She founded the Mount Canaan Community Youth Center. Ms. Davis passed away on December 6, 2002.

Elijah Davis volunteered for over 60 years at the Mount Canaan Community Youth Center and still volunteers at the age of 101.

Section 10 designates that portion of S.R. 973/87th Avenue between S.R. 94/Kendall Drive and S.W. 92nd Street in Miami-Dade County as “Lee Klein Way.”

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Helen Gordon Davis was born in New York City and moved to Tampa in 1948. In 1952, she was the first white woman in Florida to join the NAACP. Davis founded Florida’s first women’s center in 1971, and in 1974, she was the first woman elected from Hillsborough County to the Florida House of Representatives. She was reelected for six consecutive terms and, in 1988, was elected to the Florida Senate. Ms. Davis served as a Florida legislator for almost two decades, and she championed the civil rights of women and minorities.

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This designation is in honor of all grandmothers and grandfathers who take grandchildren to State Parks.

Section 23 designates that portion of S.R. 368 between U.S. 98/S.R. 30 and S.R. 390 in Bay County as "Col. William W. Wood Memorial Highway."

Col. William W. Wood was a regular Army Soldier assigned to the Army National Guard's 1st Battalion, 18th Infantry Regiment. He was a Lt. Colonel while directing security operations following an explosion when another bomb went off in Baghdad, Iraq. He died on October 27, 2005, leaving his wife and daughter, and was posthumously promoted to Colonel.

Section 24 designates that portion of S.R. 948/N.W. 36th Street between Curtiss Parkway/N.W. 57th Avenue and N.W. 67th Avenue in Miami-Dade County as "Virginia Gardens Boulevard."

This designation is for the portion of State Road 948 that runs adjacent to the Village of Virginia Gardens.

Section 25 directs the FDOT to erect suitable markers for each of the described designations.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The estimated cost to erect the designation markers required under this bill is \$24,000 for 48 signs at a cost of no less than \$500 each. The estimate includes sign fabrication, installation, and maintenance over time but does not include any additional expenses related to maintenance of traffic, dedication event costs, or replacement necessitated by damage, vandalism, or storm events.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The FDOT advises the following designations are not located on the State Highway System:

- Mary Ellen Hawkins Street
- Deputy Scott Pine Way
- Pat Frank Road
- Sandra Warshaw Freedman Street
- Helen Gordon Davis Boulevard
- Francisco Rodriguez Avenue
- Nona and Popa Road

VIII. Statutes Affected:

This bill creates an undesignated section of Florida Law.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Transportation on April 2, 2015:

The CS establishes an additional designation, “Virginia Gardens Boulevard” in Miami-Dade County, and makes two technical corrections.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Montford

3-00553-15

2015388__

1 A bill to be entitled
2 An act relating to transportation facility
3 designations; providing an honorary designation of a
4 certain transportation facility in a specified county;
5 directing the Department of Transportation to erect
6 suitable markers; providing an effective date.
7

8 Be It Enacted by the Legislature of the State of Florida:
9

10 Section 1. Private First Class Joey Moody Bridge
11 designated; Department of Transportation to erect suitable
12 markers.-

13 (1) Upon completion of replacement construction, bridge
14 number 380096 on U.S. 221/S.R. 55 over the Econfina River in
15 Taylor County is designated as "Private First Class Joey Moody
16 Bridge."

17 (2) The Department of Transportation is directed to erect
18 suitable markers designating Private First Class Joey Moody
19 Bridge as described in subsection (1).

20 Section 2. This act shall take effect July 1, 2015.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: CS/CS/SB 896

INTRODUCER: Transportation Committee; Community Affairs Committee; and Senator Brandes

SUBJECT: Location of Utilities

DATE: April 6, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	White	Yeatman	CA	Fav/CS
2.	Price	Eichin	TR	Fav/CS
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 896 addresses the responsibility for the cost of relocating utility facilities in a public easement. Easements dedicated to the public for utilities are typically located along existing road or highway rights-of-way and are available for use by a variety of utility providers. The bill revises the responsibility to bear relocation costs from the utility owner to the state or local government requiring the facilities to be relocated, effectively shifting such costs currently borne by the utility and its users to taxpayers. Under the bill, the owner of a utility that requires relocation will be liable for relocation costs only if their lines and facilities are under, over, across or *in* the right-of-way, rather than “along” any right-of-way.

Additionally, the bill prohibits a municipality or county from requiring utilities to resubmit proprietary maps of facilities if the facilities have previously been subject to a permit.

II. Present Situation:

Specific Grant of Authority to Counties to Issue Licenses to Utilities

Section 125.42, F.S., gives counties specific authority to grant a license to any person or private corporation to construct, maintain, repair, operate, and remove, within the unincorporated areas of a county, water, sewage, gas, power, telephone, other utility, and television transmission lines

located “under, on, over, across and along” any county roads or highways.¹ The statutory phrase “under, on, over, across and along” county roads or highways has been in the statute since 1947.²

Specific Grant of Authority to Regulate the Placement and Maintenance of Utility Lines

Chapter 337, F.S., relates to public contracts and the acquisition, disposal, and use of property. The Florida Department of Transportation (DOT) and local governmental entities³ prescribe and enforce reasonable rules or regulations related to the placement and maintenance of the utility lines along, across, or on any public road or rail corridor.⁴ “Utility” in this context means any electric transmission, telephone, telegraph, or other communication services lines; pole lines; poles; railways; ditches; sewers; water, heat or gas mains; pipelines; fences; gasoline tanks and pumps; or other structures that the statute refers to as a “utility.”⁵ Florida local governments have enacted ordinances regulating utilities located within city rights-of-way or easements.⁶

Payment of Moving or Removing Utilities and Exceptions

Since 1957, Florida law expressly has provided that in the event of widening, repair or reconstruction of a county’s public road or highway, the licensee, i.e., the utility provider, must move or remove the lines at no cost to the county.⁷ In 2009, that requirement was made subject to a provision in s. 337.403(1), F.S., relating to agreements entered into after July 1, 2009.⁸ In 2014, it was made subject to an additional requirement that the authority⁹ find the utility is “unreasonably interfering” with the convenient, safe, or continuous use, or the maintenance, improvement, extension, or expansion, of such public road or publicly owned rail corridor.¹⁰

Additionally, beginning in 1957, Florida statutorily required utilities to bear the costs of relocating a utility placed upon, under, over, or along any public road the authority finds unreasonably interferes in any way with the convenient, safe, or continuous use, or the maintenance, improvement, extension or expansion of a road.¹¹ In 1994, that law was amended to include utilities placed upon, under, over, or along any publicly owned rail corridor.¹² Utility owners, upon 30 days’ notice, must eliminate the unreasonable interference within a reasonable time or an agreed time, at their own expense.¹³ The general rule remains that utilities bear the costs of relocating a utility unless governmental participation in such costs is authorized. Since

¹ Section 125.42, F.S.

² Ch. 23850, ss. 1-3, Laws of Fla., now codified at s. 125.42, F.S.

³ These are referred in ss. 337.401-337.404, F.S., as an “authority.” S. 337.401(1)(a), F.S.

⁴ Section 337.401, F.S.

⁵ Section 337.401(a), F.S.

⁶ See City of Cape Coral Code of Ordinances, Ch. 25; City of Jacksonville Code of Ordinances, Title XXI, Ch. 711; City of Orlando Code of Ordinances, Ch. 23.

⁷ Ch. 57-777, s. 1, Laws of Fla., now codified at s. 125.42(5), F.S.

⁸ Ch. 2009-85, s. 2, Laws of Fla., now codified at s. 125.42(5), F.S.

⁹ “[A]uthority” means DOT and local governmental entities. Section 337.401(1), F.S.

¹⁰ Ch. 2014-169, s. 1, Laws of Fla., now codified at s. 125.42, F.S.

¹¹ Ch. 57-1978, s. 1, Laws of Fla., now codified at s. 337.403, F.S.

¹² Ch. 1994-247, s. 28, Laws of Fla., now codified at s. 337.403, F.S.]

¹³ Section 337.403, F.S.

1987, numerous exceptions to that general rule have been statutorily carved out, and can be found in s. 337.403(1), F.S., as follows:

- When the project is on the federal aid interstate system and federal funding is identified for at least 90 percent of the cost, DOT pays for the removal or relocation with federal funds.¹⁴
- When utility work is performed as part of a transportation facility construction contract, DOT may participate in those costs in an amount limited to the difference between the official estimate of all the work in the agreement plus ten percent of the amount awarded for the utility work in the construction contract.¹⁵
- When utility work is performed in advance of a construction contract, DOT may participate in the cost of clearing and grubbing necessary for relocation.¹⁶
- If the utility being removed or relocated was initially installed to serve an authority or its tenants, or both, the authority bears the cost of the utility work but is not responsible for the cost of removal or relocation of any subsequent additions to the facility for the purpose of serving others.¹⁷
- If, in an agreement between the utility and an authority entered into after July 1, 2009, the utility conveys, subordinates, or relinquishes a compensable property right to the authority for the purpose of accommodating the acquisition or use of the right-of-way by the authority without the agreement expressly addressing future responsibility for cost of removal or relocation, the authority bears the cost of the utility work, but nothing impairs or restricts, or may be used to interpret, the terms of any agreement entered into prior to July 1, 2009.¹⁸
- If the utility is an electric facility being relocated underground to enhance vehicular, bicycle, and pedestrian safety, and if ownership of the electric facility to be placed underground has been transferred from a private to a public utility within the past five years, DOT bears the cost of the necessary utility work.¹⁹
- An authority may bear the cost of utility work when the utility is not able to establish a compensable property right in the property where the utility is located:
 - If the utility was physically located on the particular property before the authority acquired rights in the property,
 - The information available to the authority does not establish the relative priorities of the authority's and the utility's interest in the property, and
 - The utility demonstrates that it has a compensable property right in all adjacent properties along the alignment of the utility²⁰ or, pursuant to a 2014 amendment, after due diligence, the utility certifies that it does not have evidence to prove or disprove it has a compensable property right in the particular property where the utility is located.²¹
- Municipally-owned or county-owned utility located in a rural area of critical economic concern²² and DOT determines that the utility is unable, and will not be able within the next

¹⁴ Ch. 1987-100, s. 12, Laws of Fla., now codified at s. 337.403(1)(a), F.S.

¹⁵ Ch. 1987-100, s. 12, Laws of Fla., now codified at s. 337.403(1)(b), F.S.

¹⁶ Ch. 1999-385, s. 25, Laws of Fla., now codified at s. 337.403(1)(c), F.S.

¹⁷ Ch. 2009-85, s. 10, Laws of Fla., now codified at s. 337.403(1)(d), F.S.

¹⁸ Ch. 2009-85, s. 10, Laws of Fla., now codified at s. 337.403(1)(e), F.S.

¹⁹ Ch. 2009-85, s.10, Laws of Fla., now codified at s. 337.403(1)(f), F.S.

²⁰ Ch. 2012-174, s. 35, Laws of Fla., now codified at s. 337.403(1)(g), F.S.

²¹ Ch. 2014-169, s. 5, Laws of Fla., now codified at s. 337.403(1)(g)2., F.S.

²² Section 288.0656(2)(d) defines "rural area of critical economic concern" as "a rural community, or a region composed of rural communities, designated by the Governor, that has been adversely affected by an extraordinary economic event, severe or chronic distress, or a natural disaster or that presents a unique economic development opportunity of regional impact."

ten years to pay for the cost of utility work necessitated by a DOT project on the State Highway System, DOT may pay, in whole or in part, the cost of such utility work performed by DOT or its contractor.

- If the relocation of utility facilities is needed for the construction of a commuter rail service project or an intercity passenger rail service project, and the cost of the project is reimbursable by the Federal Government, then the utility that owns or operates the facilities located by permit on a DOT owned rail corridor shall perform all necessary utility relocation work after notice from DOT, and DOT must pay the expense for the utility relocation work in the same proportion as federal funds are expended on the rail project after deducting any increase in the value of a new facility and any salvage value derived from an old facility.²³

Utility Relocation under Common Law and the *Cape Coral* Decision

Legal scholarship has addressed the common law implications of utility relocation.²⁴ Generally, under common law, a utility will bear the costs of moving or relocating its utility lines or facilities, if they are within the right-of-way or a public utility easement, unless there exists an agreement providing otherwise or a private easement pursuant to which the utility locates and runs its lines or facilities. A right-of-way differs from an easement. The term right-of-way “has been construed to mean ... a right of passage over the land of another It does not necessarily mean a legal and enforceable incorporeal [or intangible] right such as an easement.”²⁵ An easement gives someone else a reserved right to use property in a specified manner,²⁶ but “does not involve title to or an estate in the land itself.”²⁷

In 2014, the Florida Second District Court of Appeal (DCA) ruled in *Lee County Electric Coop., Inc. v. City of Cape Coral* that the requirement for utilities to pay for relocation within a right-of-way is well established in the common law.²⁸ That court found that, absent another arrangement by agreement between a governmental entity and the utility, or a statute dictating otherwise, the common law principle governs.²⁹ This case involved a platted public utility easement on each side of the boundary for each home site in the subdivision, in which the electric utility had installed lines and other equipment. The easement was “along” the public right-of-way and was dedicated *to the public*, not to any utility owner, for the purpose of furnishing utilities. No reserved right to use the property was granted to the Lee County Electric Coop by virtue of the platted public easement. The municipality and the utility had a franchise agreement granting the utility the right to operate its electric utility in the public easement, but the agreement did not address who would be responsible for the cost of moving the utility’s equipment if the

²³ Ch. 2014-169, s. 5, Laws of Fla., now codified at s. 337.403(1)(i), F.S. The exception expressly provides that in no event is the state required to use state dollars for such utility relocation work and that it does not apply to any phase of the Central Florida Rail Corridor project known as SunRail. Section 337.403(1)(i), F.S.

²⁴ Michael L. Stokes, *Moving the Lines: The Common Law of Utility Relocation*, 45 Val. U.L. Rev. 457 (Winter, 2011).

²⁵ *City of Miami Beach v. Carner*, 579 So. 2d 248, 253 (Fla. 3d DCA 1991).

²⁶ *Southeast Seminole Civic Ass'n v. Adkins*, 604 So. 2d 523, 527 (Fla. 5th DCA 1992) (“[E]asements are mere rights to make certain limited use of lands and at common law, they did not have, and in the absence of contractual provisions, do not have, obligations corollary to the easement rights.”).

²⁷ *Estate of Johnston v. TPE Hotels, Inc.*, 719 So. 2d 22, 26 (Fla. 5th DCA 1998) (citations omitted).

²⁸ *Lee County Electric Coop., Inc. v. City of Cape Coral*, No. 2D10-3781, 2014 WL 2218972, at *4 (Fla. 2d DCA May 23, 2014), *cert. denied*, 151 So. 3d 1226 (Fla. 2014), quoting *Norfolk Redevelopment & Hous. Auth. v. Chesapeake & Potomac Tel. Co. of Va.*, 464 U.S. 30, 35 (1983).

²⁹ *Id.*

municipality required the utility to do so. The Second DCA held that the utility would bear the burden of the cost of moving a utility line located within a public utility easement to another public utility easement as part of the municipality's expansion of an existing road.³⁰

III. Effect of Proposed Changes:

Section 1 amends s. 125.42, F.S., relating to licenses for water, sewage, gas, power, telephone, other utility and television lines. The bill reduces a county's authority to grant licenses for lines to only locations 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. Specifically, the bill provides that the authority of a county to grant a license to construct, maintain, repair, operate, or remove, within the unincorporated areas of the county, lines for the transmission of water, sewage, gas, power, telephone, other utility, television lines, and other communications services³¹ is limited to those lines located within the right-of-way limits of any county roads or highways. Accordingly, this change narrows a county's ability to grant licenses to construct such lines within a public easement, running along a road or highway but not within the actual right-of-way.

The bill also makes a conforming change, substituting a reference to s. 337.403(1)(d)-(i), F.S., with s. 337.403(1)(d)-(j), F.S., to correspond with the new exception set forth in Section 3 of the bill.

Section 2 amends s. 337.401, F.S., relating to rules or regulations concerning specified structures within public roads or rail corridors. The bill reduces the ability of defined government authorities to grant licenses to only locations "across, on, or within" the right-of-way limits of a county highway or public road, as opposed to "along, across, or on" such highways or roads. Specifically, the bill narrows the authority of DOT and local governmental entities to prescribe and enforce rules or regulations related to the placing and maintaining of a utility³² to only across, on, or within the right-of-way limits of any public road or publicly owned rail corridors. By changing the language to "right-of-way," the bill reduces the authority of DOT and local governments to prescribe and enforce rules and regulations regarding the placement and maintenance of utilities within a public easement. The bill also changes the expression "other structures referred to as a utility" to mean those structures referred to in ss. 337.401-337.404, F.S., instead of just those found in s. 337.401, F.S.

Additionally, the bill prohibits municipalities or counties exercising authority over a utility from requiring the utility to provide proprietary maps of facilities if the facilities have previously been

³⁰ *Id.* In reaching this conclusion, the Second District distinguished *Panhandle E. Pipe Line Co.*, noting that case concerned "a private easement the utility purchased from a property owner, rather than pursuant to a franchise agreement that allows the utility to use public property." *Lee County Electric Coop., Inc.*, 2014 WL 2218972, at *3. The Second District in its opinion also distinguished an earlier Second District case, *Pinellas County v. General Tel. Co. of Fla.*, 229 So. 2d 9 (Fla. 2d DCA 1969). In *Pinellas County*, without citing or discussing relevant cases or statutes, the court determined that the utility, which had a franchise agreement with the City, had a property right in the agreement, and held that the County had to pay the utility's costs in moving its telephone lines located within a right-of-way of an alley dedicated to the City and which was within property the County was purchasing as part of a County building construction.

³¹ The bill adds "other communications services" to the list of utilities in current law.

³² Section 337.401(1)(a), F.S., provides that utilities include "electric transmission, telephone, telegraph, or other communication services lines; pole lines; poles; railways; ditches; sewers; water, heat or gas mains; pipelines; fences; gasoline tanks and pumps; or other structures referred to in this section as the "utility"."

subject to a permit from the authority; and separately prohibits municipalities or counties from requiring providers of communication services to provide proprietary maps of such facilities.

Section 3 amends s. 337.403, F.S., relating to alleviating an interference that a utility causes to a public road or publicly owned rail corridor. The bill limits the responsibility of utility providers to pay for relocating their lines and facilities under certain circumstances and requires defined governmental authorities to pay for such relocation. Specifically, the bill establishes that the utility is not required to bear relocation costs if a governmental authority requires relocation:

- For any purpose other than unreasonable interference with the safe continuous use, maintenance, improvement, extension, or expansion of a public road or publicly owned rail corridor; or as a condition or result of a project by a different entity;³³ and
- Where the utility is located upon, under, over or *within the right-of-way limits* of the road or rail corridor, rather than upon, under, over, or *along* the road or rail corridor; or where a utility is located within an existing and valid utility easement granted by recorded plat, regardless of whether such land was subsequently acquired by the governmental authority, by dedication, transfer of fee, or otherwise.

The bill further specifies that nothing impairs any rights of the holder of any private railroad right-of-way, including any rights in any agreement between the holder and a utility that otherwise allocates relocation costs.

These changes contravene the Second DCA holding in *Lee County Electric Cooperative, Inc. v. City of Cape Coral*, which held that the cost of relocating utilities from a public easement in the absence of a permit or other agreement is the responsibility of the utility owner.³⁴ Under the bill, if a utility is located in a public easement and no permit or agreement is in place to address relocation, the state or local government will be required to pay relocation costs simply because the utility is located *along* a public right-of-way.

The provisions extend beyond the issue before the court in the Lee County case. For example, current law defers to private property rights by requiring the state or local government to pay for relocation when a utility is located on a *private* easement, i.e., on property for which the utility has paid for the right to use or occupy. The bill's provisions seemingly extend private property rights to public property by requiring the governmental entity to pay for utility relocation even when the governmental entity has purchased a *public* easement, i.e., property dedicated *to the public* in general, not to any specific utility owner, effectively bestowing a compensable property right to private users of a public easement, even when such users were granted the right to use the public property without compensation.

Section 4 provides that the Legislature finds that the bill fulfills an important state interest by clarifying a utility's responsibility for relocation of its facilities.

Section 5 provides that the act shall take effect upon becoming a law.

³³ The other entity would be responsible for payment.

³⁴ *Lee County Electric Coop., Inc.*, 2014 WL 2218972, at *4.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

Subsection (a) of s. 18, Art. VII of the Florida Constitution provides in pertinent part that “no county or municipality shall be bound by any general law requiring such county or municipality to spend funds . . . unless the legislature has determined that such law fulfills an important state interest and unless: . . . the expenditure is required to comply with a law that applies to all persons similarly situated.”

The bill applies to all persons similarly situated, including the state and local governments. The bill includes a legislative finding that the bill fulfills an important state interest.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

The bill would have an indeterminate positive impact on the private sector, depending upon the number of eligible reimbursements for relocation made to utilities by DOT, local governments, or other entities.

C. Government Sector Impact:

State and local governments would bear the cost of relocation if they require the relocation of a utility, with certain exceptions. If the relocation is required by an entity other than the authority, the other entity bears the cost of relocation. State and local governments would be required to bear the cost of utility work when a utility is located within an existing and valid utility easement granted by recorded plat, regardless of how such land was subsequently acquired by the local government, even where the state or local government subsequently acquired the property by outright purchase.

While the extent is unknown, the potential for severe negative fiscal impact appears to exist, given that utility facilities are located under, over, across, and along the public right-of-way all over the state. The increased responsibility of state and local governments, and nonusers of utilities, to bear the cost of utility relocation previously

borne by the utility owner and its users may delay or even prevent needed transportation improvements, particularly for local governments.

The DOT states that the bill would have an indeterminate negative fiscal impact on state expenditures relating to the cost of utility relocation on state roads.³⁵ To the extent funds are expended for such relocations, projects currently planned in the Work Program may need to be adjusted.

The bill will have an indeterminate negative fiscal impact on local governments, based on the number of situations in which local governments will be responsible for the cost of relocation on roads within their jurisdictions.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill expressly acknowledges the existence, and precludes the impairment of existing agreements between railroads and utility owners allocating utility relocation costs. However, the bill does not acknowledge nor preclude the same with respect to existing permits or agreements between utility owners and the state or a local government. This begs the question whether existing permits and agreements between a utility owner and the state or a local government remain valid, the answer to which would assist in determining the extent of the expected negative fiscal impact.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 125.42, 337.401, and 337.403.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS by Transportation on April 2, 2015:

The bill is modified to:

- Prohibit impairment of any rights of the holder of any private railroad right-of-way, including any rights in any agreement between the holder and a utility that allocates certain relocation costs;
- Insert a cross-reference to an existing definition;
- Include interference with drainage directly associated with the maintenance, improvement, extension, or expansion of a public road in currently-required utility work at the utility owner's expense; and

³⁵ Florida Dep't of Transportation, *Legislative Bill Analysis of SB 896*, at 3 (Feb. 13, 2015).

- Clarify that the cost of utility work within a previously dedicated public easement is shifted to the authority only if the utility is lawfully located in the easement.

CS by Community Affairs on March 23, 2015:

Clarifies that proprietary maps are the type of information that local governments may not require from a utility if their facilities have been previously subject to a permit and includes a statement of important state interest.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/02/2015	.	
	.	
	.	
	.	

The Committee on Transportation (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 125.42, Florida Statutes, is amended to
read:

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

(1) The board of county commissioners, with respect to



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11 property located without the corporate limits of any
12 municipality, is authorized to grant a license to any person or
13 private corporation to construct, maintain, repair, operate, and
14 remove lines for the transmission of water, sewage, gas, power,
15 telephone, other public utilities, ~~and television,~~ or other
16 communications services as defined in s. 202.11 under, on, over,
17 across, or within the right-of-way limits of ~~and along~~ any
18 county highway or any public road or highway acquired by the
19 county or public by purchase, gift, devise, dedication, or
20 prescription. However, the board of county commissioners shall
21 include in any instrument granting such license adequate
22 provisions:

23 (a) To prevent the creation of any obstructions or
24 conditions which are or may become dangerous to the traveling
25 public;

26 (b) To require the licensee to repair any damage or injury
27 to the road or highway by reason of the exercise of the
28 privileges granted in any instrument creating such license and
29 to repair the road or highway promptly, restoring it to a
30 condition at least equal to that which existed immediately prior
31 to the infliction of such damage or injury;

32 (c) Whereby the licensee shall hold the board of county
33 commissioners and members thereof harmless from the payment of
34 any compensation or damages resulting from the exercise of the
35 privileges granted in any instrument creating the license; and

36 (d) As may be reasonably necessary, for the protection of
37 the county and the public.

38 (2) A license may be granted in perpetuity or for a term of
39 years, subject, however, to termination by the licensor, in the



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40 event the road or highway is closed, abandoned, vacated,
41 discontinued, or reconstructed.

42 (3) The board of county commissioners is authorized to
43 grant exclusive or nonexclusive licenses for the purposes stated
44 herein for television.

45 (4) This law is intended to provide an additional method
46 for the granting of licenses and shall not be construed to
47 repeal any law now in effect relating to the same subject.

48 (5) In the event of widening, repair, or reconstruction of
49 any such road, the licensee shall move or remove such water,
50 sewage, gas, power, telephone, and other utility lines and
51 television lines at no cost to the county should they be found
52 by the county to be unreasonably interfering, except as provided
53 in s. 337.403(1)(d)-(j) ~~s. 337.403(1)(d)-(i)~~.

54 Section 2. Paragraph (a) of subsection (1), subsection (2),
55 and paragraph (b) of subsection (3) of section 337.401, Florida
56 Statutes, are amended to read:

57 337.401 Use of right-of-way for utilities subject to
58 regulation; permit; fees.-

59 (1) (a) The department and local governmental entities,
60 referred to in this section and in ss. 337.402, 337.403, and
61 337.404 ~~ss. 337.401-337.404~~ as the "authority," that have
62 jurisdiction and control of public roads or publicly owned rail
63 corridors are authorized to prescribe and enforce reasonable
64 rules or regulations with reference to the placing and
65 maintaining ~~along~~, across, ~~or~~ on, or within the right-of-way
66 limits of any road or publicly owned rail corridors under their
67 respective jurisdictions any electric transmission, telephone,
68 telegraph, or other communications services lines; pole lines;



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69 poles; railways; ditches; sewers; water, heat, or gas mains;
70 pipelines; fences; gasoline tanks and pumps; or other structures
71 referred to in this section and in ss. 337.402, 337.403, and
72 337.404 ~~this section~~ as the "utility." The department may enter
73 into a permit-delegation agreement with a governmental entity if
74 issuance of a permit is based on requirements that the
75 department finds will ensure the safety and integrity of
76 facilities of the Department of Transportation; however, the
77 permit-delegation agreement does not apply to facilities of
78 electric utilities as defined in s. 366.02(2).

79 (2) The authority may grant to any person who is a resident
80 of this state, or to any corporation which is organized under
81 the laws of this state or licensed to do business within this
82 state, the use of a right-of-way for the utility in accordance
83 with such rules or regulations as the authority may adopt. No
84 utility shall be installed, located, or relocated unless
85 authorized by a written permit issued by the authority. However,
86 for public roads or publicly owned rail corridors under the
87 jurisdiction of the department, a utility relocation schedule
88 and relocation agreement may be executed in lieu of a written
89 permit. The permit shall require the permitholder to be
90 responsible for any damage resulting from the issuance of such
91 permit. In exercising its authority over a utility under this
92 section, a municipality or county may not require a utility to
93 provide proprietary maps of facilities where such facilities
94 have been previously subject to a permit from the authority. The
95 authority may initiate injunctive proceedings as provided in s.
96 120.69 to enforce provisions of this subsection or any rule or
97 order issued or entered into pursuant thereto.



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98 (3)

99 (b) Registration described in paragraph (a) does not
100 establish a right to place or maintain, or priority for the
101 placement or maintenance of, a communications facility in roads
102 or rights-of-way of a municipality or county. Each municipality
103 and county retains the authority to regulate and manage
104 municipal and county roads or rights-of-way in exercising its
105 police power. Any rules or regulations adopted by a municipality
106 or county which govern the occupation of its roads or rights-of-
107 way by providers of communications services must be related to
108 the placement or maintenance of facilities in such roads or
109 rights-of-way, must be reasonable and nondiscriminatory, and may
110 include only those matters necessary to manage the roads or
111 rights-of-way of the municipality or county. In exercising its
112 authority over providers of communications services under this
113 section, a municipality or county may not require a provider of
114 communications services to provide proprietary maps of
115 facilities where such facilities have been previously subject to
116 a permit from the authority.

117 Section 3. Subsection (1) of section 337.403, Florida
118 Statutes, is amended to read:

119 337.403 Interference caused by utility; expenses.—

120 (1) If a utility that is placed upon, under, over, or
121 within the right-of-way limits of ~~along~~ any public road or
122 publicly owned rail corridor is found by the authority to be
123 unreasonably interfering in any way with the convenient, safe,
124 or continuous use, or the maintenance, improvement, extension,
125 or expansion, of such public road, including directly associated
126 drainage, or publicly owned rail corridor, the utility owner



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127 shall, upon 30 days' written notice to the utility or its agent
128 by the authority, initiate the work necessary to alleviate the
129 interference at its own expense except as provided in paragraphs
130 (a)-(j) ~~(a)-(i)~~. The work must be completed within such
131 reasonable time as stated in the notice or such time as agreed
132 to by the authority and the utility owner. If an authority
133 requires the relocation of a utility for purposes not described
134 in this subsection, the authority shall bear the cost of
135 relocating the utility. If the relocation is required as a
136 condition or result of a project by an entity other than an
137 authority, the entity other than the authority shall bear the
138 costs of relocating the utility. However, nothing in this
139 subsection shall impair any rights of the holder of any private
140 railroad right-of-way, including any rights in any agreement
141 between the holder of the private railroad right-of-way and a
142 utility that otherwise allocates such relocation cost.

143 (a) If the relocation of utility facilities, as referred to
144 in s. 111 of the Federal-Aid Highway Act of 1956, Pub. L. No.
145 84-627, is necessitated by the construction of a project on the
146 federal-aid interstate system, including extensions thereof
147 within urban areas, and the cost of the project is eligible and
148 approved for reimbursement by the Federal Government to the
149 extent of 90 percent or more under the Federal Aid Highway Act,
150 or any amendment thereof, ~~then in that event~~ the utility owning
151 or operating such facilities shall perform any necessary work
152 upon notice from the department, and the state shall pay the
153 entire expense properly attributable to such work after
154 deducting therefrom any increase in the value of a new facility
155 and any salvage value derived from an old facility.



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156 (b) When a joint agreement between the department and the
157 utility is executed for utility work to be accomplished as part
158 of a contract for construction of a transportation facility, the
159 department may participate in those utility work costs that
160 exceed the department's official estimate of the cost of the
161 work by more than 10 percent. The amount of such participation
162 is limited to the difference between the official estimate of
163 all the work in the joint agreement plus 10 percent and the
164 amount awarded for this work in the construction contract for
165 such work. The department may not participate in any utility
166 work costs that occur as a result of changes or additions during
167 the course of the contract.

168 (c) When an agreement between the department and utility is
169 executed for utility work to be accomplished in advance of a
170 contract for construction of a transportation facility, the
171 department may participate in the cost of clearing and grubbing
172 necessary to perform such work.

173 (d) If the utility facility was initially installed to
174 exclusively serve the authority or its tenants, or both, the
175 authority shall bear the costs of the utility work. However, the
176 authority is not responsible for the cost of utility work
177 related to any subsequent additions to that facility for the
178 purpose of serving others. For a county or municipality, if such
179 utility facility was installed in the right-of-way as a means to
180 serve a county or municipal facility on a parcel of property
181 adjacent to the right-of-way and if the intended use of the
182 county or municipal facility is for a use other than
183 transportation purposes, the obligation of the county or
184 municipality to bear the costs of the utility work shall extend



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185 only to utility work on the parcel of property on which the
186 facility of the county or municipality originally served by the
187 utility facility is located.

188 (e) If, under an agreement between a utility and the
189 authority entered into after July 1, 2009, the utility conveys,
190 subordinates, or relinquishes a compensable property right to
191 the authority for the purpose of accommodating the acquisition
192 or use of the right-of-way by the authority, without the
193 agreement expressly addressing future responsibility for the
194 cost of necessary utility work, the authority shall bear the
195 cost of removal or relocation. This paragraph does not impair or
196 restrict, and may not be used to interpret, the terms of any
197 such agreement entered into before July 1, 2009.

198 (f) If the utility is an electric facility being relocated
199 underground in order to enhance vehicular, bicycle, and
200 pedestrian safety and in which ownership of the electric
201 facility to be placed underground has been transferred from a
202 private to a public utility within the past 5 years, the
203 department shall incur all costs of the necessary utility work.

204 (g) An authority may bear the costs of utility work
205 required to eliminate an unreasonable interference when the
206 utility is not able to establish that it has a compensable
207 property right in the particular property where the utility is
208 located if:

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

211 2. The utility demonstrates that it has a compensable
212 property right in adjacent properties along the alignment of the
213 utility or, after due diligence, certifies that the utility does



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214 not have evidence to prove or disprove that it has a compensable
215 property right in the particular property where the utility is
216 located; and

217 3. The information available to the authority does not
218 establish the relative priorities of the authority's and the
219 utility's interests in the particular property.

220 (h) If a municipally owned utility or county-owned utility
221 is located in a rural area of critical economic concern, as
222 defined in s. 288.0656(2), and the department determines that
223 the utility is unable, and will not be able within the next 10
224 years, to pay for the cost of utility work necessitated by a
225 department project on the State Highway System, the department
226 may pay, in whole or in part, the cost of such utility work
227 performed by the department or its contractor.

228 (i) If the relocation of utility facilities is necessitated
229 by the construction of a commuter rail service project or an
230 intercity passenger rail service project and the cost of the
231 project is eligible and approved for reimbursement by the
232 Federal Government, then in that event the utility owning or
233 operating such facilities located by permit on a department-
234 owned rail corridor shall perform any necessary utility
235 relocation work upon notice from the department, and the
236 department shall pay the expense properly attributable to such
237 utility relocation work in the same proportion as federal funds
238 are expended on the commuter rail service project or an
239 intercity passenger rail service project after deducting
240 therefrom any increase in the value of a new facility and any
241 salvage value derived from an old facility. In no event shall
242 the state be required to use state dollars for such utility



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243 relocation work. This paragraph does not apply to any phase of
244 the Central Florida Commuter Rail project, known as SunRail.

245 (j) If a utility is lawfully located within an existing and
246 valid utility easement granted by recorded plat, regardless of
247 whether such land was subsequently acquired by the authority by
248 dedication, transfer of fee, or otherwise, the authority shall
249 bear the cost of the utility work required to eliminate an
250 unreasonable interference.

251 Section 4. The Legislature finds that a proper and
252 legitimate state purpose is served by clarifying a utility's
253 responsibility for relocating its facilities within the right-
254 of-way or within a utility easement granted by recorded plat.
255 Therefore, the Legislature determines and declares that this act
256 fulfills an important state interest.

257 Section 5. This act shall take effect upon becoming a law.
258
259

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

261 And the title is amended as follows:

262 Delete everything before the enacting clause
263 and insert:

264 A bill to be entitled
265 An act relating to the location of utilities; amending
266 s. 125.42, F.S.; authorizing the board of county
267 commissioners to grant a license to work on or operate
268 specified communications services within the right-of-
269 way limits of certain county or public highways or
270 roads; conforming a cross-reference; amending s.
271 337.401, F.S.; authorizing the Department of



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272 Transportation and certain local governmental entities
273 to prescribe and enforce rules or regulations
274 regarding placing and maintaining specified structures
275 within the right-of-way limits of roads or publicly
276 owned rail corridors under their respective
277 jurisdictions; prohibiting a municipality or county
278 from requiring a utility to provide proprietary maps
279 of facilities under certain circumstances; prohibiting
280 a municipality or county from requiring a provider of
281 communications services to provide proprietary maps of
282 facilities under certain circumstances; amending s.
283 337.403, F.S.; requiring a utility owner, under
284 certain circumstances, to initiate at its own expense
285 the work necessary to alleviate an interference to a
286 public road, including directly associated drainage,
287 or publicly owned rail corridor which is caused by the
288 utility if the utility is placed within the right-of-
289 way limits of the public road or publicly owned rail
290 corridor; conforming a cross-reference; requiring an
291 authority or an entity other than the authority to
292 bear the costs of relocating a utility in certain
293 circumstances; providing applicability; requiring the
294 authority to bear the cost of the utility work
295 necessary to eliminate an unreasonable interference if
296 the utility is lawfully located within a certain
297 utility easement; providing legislative findings;
298 providing an effective date.

By the Committee on Community Affairs; and Senator Brandes

578-02722-15

2015896c1

1 A bill to be entitled
 2 An act relating to the location of utilities; amending
 3 s. 125.42, F.S.; authorizing the board of county
 4 commissioners to grant a license to work on or operate
 5 communications services within the right-of-way limits
 6 of certain county or public highways or roads;
 7 conforming a cross-reference; amending s. 337.401,
 8 F.S.; authorizing the Department of Transportation and
 9 certain local governmental entities to prescribe and
 10 enforce rules or regulations regarding placing and
 11 maintaining specified structures within the right-of-
 12 way limits of roads or publicly owned rail corridors
 13 under their respective jurisdictions; prohibiting a
 14 municipality or county from requiring a utility to
 15 provide proprietary maps of facilities under certain
 16 circumstances; prohibiting a municipality or county
 17 from requiring a provider of communications services
 18 to provide proprietary maps of facilities under
 19 certain circumstances; amending s. 337.403, F.S.;
 20 requiring a utility owner, under certain
 21 circumstances, to initiate at its own expense the work
 22 necessary to alleviate an interference to a public
 23 road or publicly owned rail corridor which is caused
 24 by a utility if it is placed within the right-of-way
 25 limits of the public road or publicly owned rail
 26 corridor; requiring an authority or an entity other
 27 than the authority to bear the costs of relocating a
 28 utility in certain circumstances; requiring the
 29 authority to bear the cost of the utility work

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30 necessary to eliminate an unreasonable interference if
 31 the utility is located within a certain utility
 32 easement; conforming a cross-reference; providing
 33 legislative findings; providing an effective date.
 34

35 Be It Enacted by the Legislature of the State of Florida:

36
 37 Section 1. Section 125.42, Florida Statutes, is amended to
 38 read:

39 125.42 Water, sewage, gas, power, telephone, other utility,
 40 and television lines within the right-of-way limits of ~~along~~
 41 county roads and highways.—

42 (1) The board of county commissioners, with respect to
 43 property located without the corporate limits of any
 44 municipality, is authorized to grant a license to any person or
 45 private corporation to construct, maintain, repair, operate, and
 46 remove lines for the transmission of water, sewage, gas, power,
 47 telephone, other public utilities, ~~and~~ television, or other
 48 communications services under, on, over, across or within the
 49 right-of-way limits of ~~and along~~ any county highway or any
 50 public road or highway acquired by the county or public by
 51 purchase, gift, devise, dedication, or prescription. However,
 52 the board of county commissioners shall include in any
 53 instrument granting such license adequate provisions:

54 (a) To prevent the creation of any obstructions or
 55 conditions which are or may become dangerous to the traveling
 56 public;

57 (b) To require the licensee to repair any damage or injury
 58 to the road or highway by reason of the exercise of the

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59 privileges granted in any instrument creating such license and
60 to repair the road or highway promptly, restoring it to a
61 condition at least equal to that which existed immediately prior
62 to the infliction of such damage or injury;

63 (c) Whereby the licensee shall hold the board of county
64 commissioners and members thereof harmless from the payment of
65 any compensation or damages resulting from the exercise of the
66 privileges granted in any instrument creating the license; and

67 (d) As may be reasonably necessary, for the protection of
68 the county and the public.

69 (2) A license may be granted in perpetuity or for a term of
70 years, subject, however, to termination by the licensor, in the
71 event the road or highway is closed, abandoned, vacated,
72 discontinued, or reconstructed.

73 (3) The board of county commissioners is authorized to
74 grant exclusive or nonexclusive licenses for the purposes stated
75 herein for television.

76 (4) This law is intended to provide an additional method
77 for the granting of licenses and shall not be construed to
78 repeal any law now in effect relating to the same subject.

79 (5) In the event of widening, repair, or reconstruction of
80 any such road, the licensee shall move or remove such water,
81 sewage, gas, power, telephone, and other utility lines and
82 television lines at no cost to the county should they be found
83 by the county to be unreasonably interfering, except as provided
84 in s. 337.403(1)(d)-(j) ~~s. 337.403(1)(d)-(i)~~.

85 Section 2. Paragraph (a) of subsection (1), subsection (2),
86 and paragraph (b) of subsection (3) of section 337.401, Florida
87 Statutes, are amended to read:

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88 337.401 Use of right-of-way for utilities subject to
89 regulation; permit; fees.-

90 (1) (a) The department and local governmental entities,
91 referred to in this section and in ss. 337.402, 337.403, and
92 337.404 ~~ss. 337.401-337.404~~ as the "authority," that have
93 jurisdiction and control of public roads or publicly owned rail
94 corridors are authorized to prescribe and enforce reasonable
95 rules or regulations with reference to the placing and
96 maintaining ~~along~~, across, ~~or on~~, or within the right-of-way
97 limits of any road or publicly owned rail corridors under their
98 respective jurisdictions any electric transmission, telephone,
99 telegraph, or other communications services lines; pole lines;
100 poles; railways; ditches; sewers; water, heat, or gas mains;
101 pipelines; fences; gasoline tanks and pumps; or other structures
102 referred to in this section and in ss. 337.402, 337.403, and
103 337.404 ~~this section~~ as the "utility." The department may enter
104 into a permit-delegation agreement with a governmental entity if
105 issuance of a permit is based on requirements that the
106 department finds will ensure the safety and integrity of
107 facilities of the Department of Transportation; however, the
108 permit-delegation agreement does not apply to facilities of
109 electric utilities as defined in s. 366.02(2).

110 (2) The authority may grant to any person who is a resident
111 of this state, or to any corporation which is organized under
112 the laws of this state or licensed to do business within this
113 state, the use of a right-of-way for the utility in accordance
114 with such rules or regulations as the authority may adopt. No
115 utility shall be installed, located, or relocated unless
116 authorized by a written permit issued by the authority. However,

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117 for public roads or publicly owned rail corridors under the
 118 jurisdiction of the department, a utility relocation schedule
 119 and relocation agreement may be executed in lieu of a written
 120 permit. The permit shall require the permitholder to be
 121 responsible for any damage resulting from the issuance of such
 122 permit. In exercising its authority over a utility under this
 123 section, a municipality or county may not require a utility to
 124 provide proprietary maps of facilities where such facilities
 125 have been previously subject to a permit from the authority. The
 126 authority may initiate injunctive proceedings as provided in s.
 127 120.69 to enforce provisions of this subsection or any rule or
 128 order issued or entered into pursuant thereto.

(3)

130 (b) Registration described in paragraph (a) does not
 131 establish a right to place or maintain, or priority for the
 132 placement or maintenance of, a communications facility in roads
 133 or rights-of-way of a municipality or county. Each municipality
 134 and county retains the authority to regulate and manage
 135 municipal and county roads or rights-of-way in exercising its
 136 police power. Any rules or regulations adopted by a municipality
 137 or county which govern the occupation of its roads or rights-of-
 138 way by providers of communications services must be related to
 139 the placement or maintenance of facilities in such roads or
 140 rights-of-way, must be reasonable and nondiscriminatory, and may
 141 include only those matters necessary to manage the roads or
 142 rights-of-way of the municipality or county. In exercising its
 143 authority over providers of communications services under this
 144 section, a municipality or county may not require a provider of
 145 communications services to provide proprietary maps of

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146 facilities where such facilities have been previously subject to
 147 a permit from the authority.

148 Section 3. Subsection (1) of section 337.403, Florida
 149 Statutes, is amended to read:

150 337.403 Interference caused by utility; expenses.—

151 (1) If a utility that is placed upon, under, over, or
 152 within the right-of-way limits of ~~along~~ any public road or
 153 publicly owned rail corridor is found by the authority to be
 154 unreasonably interfering in any way with the convenient, safe,
 155 or continuous use, or the maintenance, improvement, extension,
 156 or expansion, of such public road or publicly owned rail
 157 corridor, the utility owner shall, upon 30 days' written notice
 158 to the utility or its agent by the authority, initiate the work
 159 necessary to alleviate the interference at its own expense
 160 except as provided in paragraphs (a)-(j) ~~(a)-(i)~~. The work must
 161 be completed within such reasonable time as stated in the notice
 162 or such time as agreed to by the authority and the utility
 163 owner. If an authority requires the relocation of a utility for
 164 purposes not described in this subsection, the authority shall
 165 bear the cost of relocating the utility. If the relocation is
 166 required as a condition or result of a project by an entity
 167 other than an authority, the entity other than the authority
 168 shall bear the costs of relocating the utility.

169 (a) If the relocation of utility facilities, as referred to
 170 in s. 111 of the Federal-Aid Highway Act of 1956, Pub. L. No.
 171 84-627, is necessitated by the construction of a project on the
 172 federal-aid interstate system, including extensions thereof
 173 within urban areas, and the cost of the project is eligible and
 174 approved for reimbursement by the Federal Government to the

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175 extent of 90 percent or more under the Federal Aid Highway Act,
 176 or any amendment thereof, ~~then in that event~~ the utility owning
 177 or operating such facilities shall perform any necessary work
 178 upon notice from the department, and the state shall pay the
 179 entire expense properly attributable to such work after
 180 deducting therefrom any increase in the value of a new facility
 181 and any salvage value derived from an old facility.

182 (b) When a joint agreement between the department and the
 183 utility is executed for utility work to be accomplished as part
 184 of a contract for construction of a transportation facility, the
 185 department may participate in those utility work costs that
 186 exceed the department's official estimate of the cost of the
 187 work by more than 10 percent. The amount of such participation
 188 is limited to the difference between the official estimate of
 189 all the work in the joint agreement plus 10 percent and the
 190 amount awarded for this work in the construction contract for
 191 such work. The department may not participate in any utility
 192 work costs that occur as a result of changes or additions during
 193 the course of the contract.

194 (c) When an agreement between the department and utility is
 195 executed for utility work to be accomplished in advance of a
 196 contract for construction of a transportation facility, the
 197 department may participate in the cost of clearing and grubbing
 198 necessary to perform such work.

199 (d) If the utility facility was initially installed to
 200 exclusively serve the authority or its tenants, or both, the
 201 authority shall bear the costs of the utility work. However, the
 202 authority is not responsible for the cost of utility work
 203 related to any subsequent additions to that facility for the

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204 purpose of serving others. For a county or municipality, if such
 205 utility facility was installed in the right-of-way as a means to
 206 serve a county or municipal facility on a parcel of property
 207 adjacent to the right-of-way and if the intended use of the
 208 county or municipal facility is for a use other than
 209 transportation purposes, the obligation of the county or
 210 municipality to bear the costs of the utility work shall extend
 211 only to utility work on the parcel of property on which the
 212 facility of the county or municipality originally served by the
 213 utility facility is located.

214 (e) If, under an agreement between a utility and the
 215 authority entered into after July 1, 2009, the utility conveys,
 216 subordinates, or relinquishes a compensable property right to
 217 the authority for the purpose of accommodating the acquisition
 218 or use of the right-of-way by the authority, without the
 219 agreement expressly addressing future responsibility for the
 220 cost of necessary utility work, the authority shall bear the
 221 cost of removal or relocation. This paragraph does not impair or
 222 restrict, and may not be used to interpret, the terms of any
 223 such agreement entered into before July 1, 2009.

224 (f) If the utility is an electric facility being relocated
 225 underground in order to enhance vehicular, bicycle, and
 226 pedestrian safety and in which ownership of the electric
 227 facility to be placed underground has been transferred from a
 228 private to a public utility within the past 5 years, the
 229 department shall incur all costs of the necessary utility work.

230 (g) An authority may bear the costs of utility work
 231 required to eliminate an unreasonable interference when the
 232 utility is not able to establish that it has a compensable

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233 property right in the particular property where the utility is
234 located if:

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

237 2. The utility demonstrates that it has a compensable
238 property right in adjacent properties along the alignment of the
239 utility or, after due diligence, certifies that the utility does
240 not have evidence to prove or disprove that it has a compensable
241 property right in the particular property where the utility is
242 located; and

243 3. The information available to the authority does not
244 establish the relative priorities of the authority's and the
245 utility's interests in the particular property.

246 (h) If a municipally owned utility or county-owned utility
247 is located in a rural area of critical economic concern, as
248 defined in s. 288.0656(2), and the department determines that
249 the utility is unable, and will not be able within the next 10
250 years, to pay for the cost of utility work necessitated by a
251 department project on the State Highway System, the department
252 may pay, in whole or in part, the cost of such utility work
253 performed by the department or its contractor.

254 (i) If the relocation of utility facilities is necessitated
255 by the construction of a commuter rail service project or an
256 intercity passenger rail service project and the cost of the
257 project is eligible and approved for reimbursement by the
258 Federal Government, then in that event the utility owning or
259 operating such facilities located by permit on a department-
260 owned rail corridor shall perform any necessary utility
261 relocation work upon notice from the department, and the

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262 department shall pay the expense properly attributable to such
263 utility relocation work in the same proportion as federal funds
264 are expended on the commuter rail service project or an
265 intercity passenger rail service project after deducting
266 therefrom any increase in the value of a new facility and any
267 salvage value derived from an old facility. In no event shall
268 the state be required to use state dollars for such utility
269 relocation work. This paragraph does not apply to any phase of
270 the Central Florida Commuter Rail project, known as SunRail.

271 (j) If a utility is located within an existing and valid
272 utility easement granted by recorded plat, regardless of whether
273 such land was subsequently acquired by the authority by
274 dedication, transfer of fee, or otherwise, the authority shall
275 bear the cost of the utility work required to eliminate an
276 unreasonable interference.

277 Section 4. The Legislature finds that a proper and
278 legitimate state purpose is served by clarifying a utility's
279 responsibility for relocating its facilities within the right-
280 of-way or within a utility easement granted by recorded plat.
281 Therefore, the Legislature determines and declares that this act
282 fulfills an important state interest.

283 Section 5. This act shall take effect upon becoming a law.
284

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/2/2015
Meeting Date

896
Bill Number (if applicable)

Topic Location of Utilities

Amendment Barcode (if applicable)

Name Jordan Connors

Job Title Consultant

Address 2145 SW Cape Cod Dr.
Street

Phone 772-418-6068

Port St. Lucie FL 34953
City State Zip

Email Jordan@JordanConnors.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing City of Port St. Lucie

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/2/15
Meeting Date

SB 896
Bill Number (if applicable)

Topic Location of Utilities

Amendment Barcode (if applicable)

Name Brewster Bevis

Job Title Senior Vice President

Address 516 W Adams St

Phone 224-7173

Street

Tallahassee

City

FL

State

32301

Zip

Email bbevis@aif.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Associated Industries of Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/2/15

Meeting Date

SB 896

Bill Number (if applicable)

Topic Utility Relocation

Amendment Barcode (if applicable)

Name Rob Lewis

Job Title Community Relations

Address 1660 Ringling Blvd

Phone 941 861-5000

Street

Sarasota

City

FL

State

34236

Zip

Email rlewis@scgov.net

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Sarasota County

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

04-02-2015

Meeting Date

CS/SB896

Bill Number (if applicable)

Topic Relocation of Utilities

Amendment Barcode (if applicable)

Name Woody Simmons

Job Title VP-Governmental Affairs

Address 106 E College Avenue, Ste. 710

Phone 850-222-6304

Street

Tallahassee

Florida

32301

Email woodrow.simmons@verizon.com

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Verizon

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/2/2015
Meeting Date

CS/SB 896
Bill Number (if applicable)

Topic Location of Utilities

Amendment Barcode (if applicable)

Name Michelle J. Gomez

Job Title Commissioner, City of Tamarac

Address 7525 N.W. 88th Avenue

Phone 954/597-3460

Tamarac FL 33321-2401
City State Zip

Email Michelle.Gomez@Tamarac.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing City of Tamarac

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4-2-15

Meeting Date

896

Bill Number (if applicable)

Topic Location of Utilities

Amendment Barcode (if applicable)

Name Jim Smith

Job Title Dir. Govt. Affairs

Address _____
Street

Phone _____

City

State

Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing CenturyLink

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/2/2015

896

Meeting Date

Bill Number (if applicable)

Topic Location of Utilities

Amendment Barcode (if applicable)

Name Katie Kelly

Job Title Director of Infrastructure and Governance

Address 136 Bronough St

Phone 850-933-2822

Street

Tallahassee

FL

32301

Email kkelly@flchamber.com

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Chamber of Commerce

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/2/15

Meeting Date

896

Bill Number (if applicable)

Topic Relocation Utilities

Amendment Barcode (if applicable)

Name Charles Dudley

Job Title General Counsel

Address 108 S. Monroe St.

Phone 681 0024

Street

Tallahassee FL 32301

City

State

Zip

Email cdudley@flafractur.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FL Cable Telecommunications Assoc.

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/2/2015
Meeting Date

CS 896
Bill Number (if applicable)

Topic LOCATION OF UTILITY FACILITIES

Amendment Barcode (if applicable)

Name TRACY HATCH

Job Title GENERAL ATTORNEY

Address 150 S. MONROE ST. SUITE 400
Street

Phone 850-425-6360

TALLAHASSEE FL 32301
City State Zip

Email th9467@att.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing AT&T

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

04-02-2015

Meeting Date

CS/SB896

Bill Number (if applicable)

Topic Relocation of Utilities

Amendment Barcode (if applicable)

Name Bryan Lantz

Job Title Region Rights of Way and Municipal Affairs Manager

Address 7701 E Telecom Parkway (Mail Code: FLTDSA3)

Phone 813-740-1231

Street

Temple Terrace

Florida

33367

Email bryan.lantz@core.verizon.com

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Verizon

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/2/15

Meeting Date

896

Bill Number (if applicable)

Topic Utility Locations

Amendment Barcode (if applicable)

Name JC Flores

Job Title VP Gov Affairs

Address 150 S. Monroe

Phone 850-577-7700

Street

Tallahassee

FL

32312

Email JF323W@att.com

City

State

Zip

Speaking: [X] For [] Against [] Information

Waive Speaking: [X] In Support [] Against (The Chair will read this information into the record.)

Representing AT&T

Appearing at request of Chair: [] Yes [] No

Lobbyist registered with Legislature: [X] Yes [] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/2/15

Meeting Date

896

Bill Number (if applicable)

Topic Utility Relocations

Amendment Barcode (if applicable)

Name Ralph Thomas

Job Title Chairman

Address 637 Hunters Trace
Street

Phone 850-251-0915

Crawfordville FL 32327
City State Zip

Email rthomas@mywakulla.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Wakulla BOCC, Small County Coalition, FAC

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/2/15
Meeting Date

896
Bill Number (if applicable)

Topic Row 1 Utilities

Amendment Barcode (if applicable)

Name Eric Poole

Job Title Asst Leg. Director

Address 600 Monroe St
Street

Phone 927-8300

T-11 FL
City State Zip

Email

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Assoc. of Counties

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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THE FLORIDA SENATE

APPEARANCE RECORD

4.2.15

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 894

Bill Number (if applicable)

Topic LOCATION OF UTILITIES

Amendment Barcode (if applicable)

Name MEGAN SIRJANE-SAMPLES

Job Title LEGISLATIVE ADVOCATE

Address P.O. BOX 1757

Phone 850.701.3455

TALLAHASSEE

FL

32301

Email MSIRJANESAMPLES@FLCITIES.COM

Speaking: For [] Against [X] Information []

Waive Speaking: In Support [] Against [] (The Chair will read this information into the record.)

Representing FLORIDA LEAGUE OF CITIES

Appearing at request of Chair: Yes [] No [X]

Lobbyist registered with Legislature: Yes [X] No []

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/2

Meeting Date

982

Bill Number (if applicable)

Topic utility rebates

Amendment Barcode (if applicable)

Name Bill Peesks

Job Title

Address PO Box 10930

Phone

Street

Tallahassee FL 32302

Email

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against (The Chair will read this information into the record.)

Representing Orlando Tampa Winter Park

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Community Affairs, *Chair*
Environmental Preservation and Conservation,
Vice Chair
Appropriations Subcommittee on General Government
Finance and Tax
Judiciary
Transportation

JOINT COMMITTEES:

Joint Legislative Auditing Committee
Joint Subcommittee on Auditor General Selection

SENATOR WILTON SIMPSON

18th District

April 2, 2015

Honorable Jeff Brandes
410 Knott Building
404 S. Monroe Street
Tallahassee, FL 32399

Dear Chairman Brandes,

Please excuse my absence from the Committee on Transportation on Thursday, April 2, 2015. I was presenting multiple bills and could not make it to Committee on time.

Please contact my staff with any questions.

Thank you,

A handwritten signature in black ink, appearing to read "Wilton Simpson".

Wilton Simpson
Senator, 18th District

CC: Kurt Eichin, Staff Director

REPLY TO:

- 322 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5018
- Post Office Box 938, Brooksville, Florida 34605
- Post Office Box 787, New Port Richey, Florida 34656-0787 (727) 816-1120 FAX: (888) 263-4821

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

CourtSmart Tag Report

Room: LL 37
Caption: Senate Transportation

Case:
Judge:

Type:

Started: 4/2/2015 11:33:28 AM

Ends: 4/2/2015 12:11:02 PM

Length: 00:37:35

11:33:30 AM Meeting called to order by Chair Brandes
11:33:42 AM Roll call by Administrative Assistant, Marilyn Hudson
11:33:55 AM Quorum present
11:33:58 AM Comments from Chair Brandes
11:34:10 AM Introduction of Tab 2 - SB 388 by Chair Brandes
11:34:39 AM Explanation of SB 388, Transportation Facility Designations by Senator Montford
11:35:39 AM Introduction of Amendment #633822 by Chair Brandes
11:36:32 AM Explanation Amendment #633822 by Cindy Price
11:37:31 AM Comments from Chair Brandes
11:37:36 AM Response from Cindy Price
11:37:41 AM Senator Evers Amendment #710782 explained by Cindy Price
11:37:51 AM Comments from Chair Brandes
11:37:59 AM Amendment #710782 adopted
11:38:03 AM Amendment #710782 introduced by Senator Grimsley
11:38:20 AM Amendment #630102 introduced by Chair Brandes
11:38:30 AM Cindy Price explains that this is a Technical Amendment
11:38:33 AM Comments from Chair Brandes
11:38:38 AM Amendments #710782 and 630102 adopted
11:39:05 AM Comments by Chair Brandes
11:39:12 AM PCS Amendment #363886 adopted
11:39:16 AM Chair Montford waives closing
11:39:29 AM Roll call by Administrative Assistant, Marilyn Hudson
11:39:45 AM CS/SB 388 reported favorably
11:39:59 AM Tab 1 - Senate Confirmation of John C. Garcia by Chair Brandes
11:40:13 AM Senator Grimsley moves to recommend approval for John C. Garcia
11:40:23 AM Roll call by Administrative Assistant, Marilyn Hudson
11:40:33 AM John C. Garcia reported favorably to the Tampa-Hillsborough Expressway Authority
11:40:41 AM Chair passed to Senator Bullard
11:40:53 AM Tab 3 - CS/SB 896 introduced by Chair Bullard
11:40:58 AM Explanation of Strike-all Amendment #661092 by Senator Brandes
11:41:56 AM Comments from Chair Bullard
11:42:01 AM Question from Senator Thompson
11:42:12 AM Response from Senator Brandes
11:42:37 AM Follow-up question from Senator Thompson
11:42:53 AM Response from Senator Brandes
11:43:14 AM Additional question from Senator Thompson
11:43:20 AM Response from Senator Brandes
11:43:47 AM Comments from Chair Bullard
11:43:56 AM Comments from Senator Brandes
11:44:02 AM Comments from Cindy
11:45:22 AM Comments from Chair Bullard
11:45:30 AM Additional question from Senator Thompson
11:46:07 AM Question from Senator Evers
11:46:12 AM Response from Senator Brandes
11:47:28 AM Comments from Chair Bullard
11:47:40 AM Senator Brandes waives closing
11:47:43 AM Amendment #661092 adopted
11:47:50 AM Back on bill as amended per Chair Bullard
11:48:00 AM Comments from Chair Bullard
11:48:15 AM Jordon Connors, Consultant, City of Port St. Lucie waives against
11:48:16 AM Brewster Bevis, Senior Vice President, Associated Industries of Florida waives in support
11:48:22 AM Rob Lewis, Community Relations, Sarasota County waives against

11:49:01 AM Woody Simmons, Vice President, Governmental Affairs, Verizon waives in support
11:49:08 AM Michelle Gomez, Commissioner, City of Tamarac waives against
11:49:13 AM Jim Smith, Director, Governmental Affairs, CenturyLink waives in support
11:49:18 AM Katie Kelly, Director of Infrastructure and Governance, Florida Chamber of Commerce waives in support
11:49:25 AM Charles Dudley, General Counsel, Florida Cable Telecommunications Association waives in support
11:49:37 AM Speaker, Tracy Hatch, General Attorney, AT&T in support
11:50:08 AM Speaker Bryan Lantz, Region Rights of Way and Municipal Affairs Manager, Verizon and Florida Utility Coordinating Committee in support
11:53:50 AM Comments from Chair Bullard
11:53:59 AM Comments from Senator Brandes
11:54:03 AM Response from Mr. Lantz
11:55:00 AM JC Flores, Vice President, Governmental Affairs waives in support
11:55:13 AM Speaker Ralph Thomas, Chairman, Wakulla Board of County Commissioners, Small County Coalition, FAC in opposition
11:56:33 AM Question from Senator Brandes
11:56:43 AM Response from Mr. Thomas
11:57:30 AM Speaker Eric Poole, Assistant Legislative Director, Florida Association of Counties in opposition
12:00:31 PM Question from Senator Thompson
12:00:42 PM Response from Mr. Poole
12:00:56 PM Speaker Megan Sirjane-Samples, Legislative Advocate, Florida League of Cities in opposition
12:03:49 PM Speaker Bill Peoples in opposition
12:05:43 PM Comments from Chair Bullard
12:05:57 PM Question from Senator Grimsley to Mr. Lantz
12:06:10 PM Response from Mr. Lantz
12:07:35 PM Follow-up question from Senator Grimsley
12:07:44 PM Response from Mr. Lantz
12:07:57 PM Question from Senator Brandes
12:08:06 PM Response from Mr. Lantz
12:08:23 PM Comments from Chair Bullard
12:08:33 PM Comments from Senator Thompson in debate
12:09:42 PM Comments from Chair Bullard
12:09:49 PM Closing by Senator Brandes
12:10:17 PM Roll call by Administrative Assistant, Marilyn Hudson on CS/CS SB 896
12:10:31 PM CS/CS/SB 896 reported favorably
12:10:39 PM Chair passed to Chair Brandes
12:10:47 PM Comments from Chair Brandes
12:10:48 PM Senator Braynon moves to rise