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CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: RCS	.	
4/22/2008	.	
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1 The Committee on Transportation and Economic Development  
2 Appropriations (Webster) recommended the following **amendment**:

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4 **Senate Amendment (with title amendment)**

5 Delete line(s) 112-182

6 and insert:

7 expense except as provided in paragraphs (a), (b), ~~and~~ (c), (d),  
8 and (e).

9 (a) If the relocation of utility facilities, as referred to  
10 in s. 111 of the Federal-Aid Highway Act of 1956, Pub. L. No. 627  
11 of the 84th Congress, is necessitated by the construction of a  
12 project on the federal-aid interstate system, including  
13 extensions thereof within urban areas, and the cost of such  
14 project is eligible and approved for reimbursement by the Federal  
15 Government to the extent of 90 percent or more under the Federal  
16 Aid Highway Act, or any amendment thereof, then in that event the  
17 utility owning or operating such facilities shall relocate such



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18 facilities upon order of the department, and the state shall pay  
19 the entire expense properly attributable to such relocation after  
20 deducting therefrom any increase in the value of the new facility  
21 and any salvage value derived from the old facility.

22 (b) When a joint agreement between the department and the  
23 utility is executed for utility improvement, relocation, or  
24 removal work to be accomplished as part of a contract for  
25 construction of a transportation facility, the department may  
26 participate in those utility improvement, relocation, or removal  
27 costs that exceed the department's official estimate of the cost  
28 of such work by more than 10 percent. The amount of such  
29 participation shall be limited to the difference between the  
30 official estimate of all the work in the joint agreement plus 10  
31 percent and the amount awarded for this work in the construction  
32 contract for such work. The department may not participate in any  
33 utility improvement, relocation, or removal costs that occur as a  
34 result of changes or additions during the course of the contract.

35 (c) When an agreement between the department and utility is  
36 executed for utility improvement, relocation, or removal work to  
37 be accomplished in advance of a contract for construction of a  
38 transportation facility, the department may participate in the  
39 cost of clearing and grubbing necessary to perform such work.

40 (d) If the utility facility being removed or relocated was  
41 initially installed exclusively to serve the department, its  
42 tenants, or both the department and its tenants, the department  
43 shall bear the costs of removal or relocation of that utility  
44 facility. However, the department shall not be responsible for  
45 bearing the cost of removal or relocation of any subsequent  
46 additions to the utility facility for the purpose of serving  
47 others.



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48       (e) If pursuant to an agreement between a utility and the  
49 authority entered into after the effective date of this  
50 subsection, the utility conveys, subordinates or relinquishes a  
51 compensable property right to the authority for the purpose of  
52 accommodating the acquisition or use of the right of way by the  
53 authority, without the agreement expressly addressing future  
54 responsibility for cost of removal or relocation of the utility,  
55 then the authority shall bear the cost of such removal or  
56 relocation. Nothing herein is intended to impair or restrict, or  
57 be used to interpret, the terms of any agreement entered into  
58 prior to the effective date of this subsection.

59       Section 3. Subsection (5) of section 125.42, Florida  
60 Statutes, is amended to read:

61       125.42 Water, sewage, gas, power, telephone, other utility,  
62 and television lines along county roads and highways.--

63       (5) In the event of widening, repair, or reconstruction of  
64 any such road, the licensee shall move or remove such water,  
65 sewage, gas, power, telephone, and other utility lines and  
66 television lines at no cost to the county except as provided in  
67 s. 337.403(1)(e).

68       Section 4. Subsection (6) is added to section 338.01,  
69 Florida Statutes, to read:

70       338.01 Authority to establish and regulate limited access  
71 facilities.--

72       (6) Notwithstanding any other provision of law, all new  
73 limited access facilities and existing transportation facilities  
74 on which new or replacement electronic toll collection systems  
75 are installed shall be interoperable with the department's  
76 electronic toll collection system.



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77 Section 5. Present subsections (7) and (8) of section  
78 338.165, Florida Statutes, are redesignated as subsections (8)  
79 and (9), respectively, and a new subsection (7) is added to that  
80 section, to read:

81 338.165 Continuation of tolls.--

82 (7) This section does not apply to high-occupancy toll  
83 lanes or express lanes.

84 Section 6. Section 338.166, Florida Statutes, is created to  
85 read:

86 338.166 High-occupancy toll lanes or express lanes.--

87 (1) Under s. 11, Art. VII of the State Constitution, the  
88 department may request the Division of Bond Finance to issue  
89 bonds secured by toll revenues collected on high-occupancy toll  
90 lanes or express lanes located on Interstate 95 in Miami-Dade and  
91 Broward Counties.

92 (2) The department may continue to collect the toll on the  
93 high-occupancy toll lanes or express lanes after the discharge of  
94 any bond indebtedness related to such project. All tolls so  
95 collected shall first be used to pay the annual cost of the  
96 operation, maintenance, and improvement of the high-occupancy  
97 toll lanes or express lanes project or associated transportation  
98 system.

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

102 And the title is amended as follows:

103 Delete line 9

104 and insert:

105 corridor; amending s. 125.42, F.S.; providing an exception  
106 to utility owners from the responsibility for relocating



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107 | utilities along county roads and highways; amending s.  
108 | 338.01, F.S.; requiring that newly