



930062

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/10/2009	.	
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	.	

The Committee on Transportation (Baker) recommended the following:

Senate Amendment (with title amendment)

Delete lines 8 - 9
and insert:

Section 1. Subsection (5) of section 125.42, Florida Statutes, is amended to read:

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

(5) In the event of widening, repair, or reconstruction of any such road, the licensee shall move or remove such water, sewage, gas, power, telephone, and other utility lines and



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12 television lines at no cost to the county, except as provided in
13 s. 337.403(1)(e).

14 Section 2. Subsection (1) of section 337.403, Florida
15 Statutes, is amended to read:

16 337.403 Relocation of utility; expenses.—

17 (1) Any utility heretofore or hereafter placed upon, under,
18 over, or along any public road or publicly owned rail corridor
19 that is found by the authority to be unreasonably interfering in
20 any way with the convenient, safe, or continuous use, or the
21 maintenance, improvement, extension, or expansion, of such
22 public road or publicly owned rail corridor shall, upon 30 days'
23 written notice to the utility or its agent by the authority, be
24 removed or relocated by such utility at its own expense except
25 as provided in paragraphs (a)-(e) ~~(a), (b), and (c)~~.

26 (a) If the relocation of utility facilities, as referred to
27 in s. 111 of the Federal-Aid Highway Act of 1956, Pub. L. No.
28 627 of the 84th Congress, is necessitated by the construction of
29 a project on the federal-aid interstate system, including
30 extensions thereof within urban areas, and the cost of the ~~such~~
31 project is eligible and approved for reimbursement by the
32 Federal Government to the extent of 90 percent or more under the
33 Federal Aid Highway Act, or any amendment thereof, then in that
34 event the utility owning or operating such facilities shall
35 relocate the ~~such~~ facilities upon order of the department, and
36 the state shall pay the entire expense properly attributable to
37 such relocation after deducting therefrom any increase in the
38 value of the new facility and any salvage value derived from the
39 old facility.

40 (b) When a joint agreement between the department and the



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41 utility is executed for utility improvement, relocation, or
42 removal work to be accomplished as part of a contract for
43 construction of a transportation facility, the department may
44 participate in those utility improvement, relocation, or removal
45 costs that exceed the department's official estimate of the cost
46 of the ~~such~~ work by more than 10 percent. The amount of such
47 participation shall be limited to the difference between the
48 official estimate of all the work in the joint agreement plus 10
49 percent and the amount awarded for this work in the construction
50 contract for such work. The department may not participate in
51 any utility improvement, relocation, or removal costs that occur
52 as a result of changes or additions during the course of the
53 contract.

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

59 (d) If the utility facility being removed or relocated was
60 initially installed to exclusively serve the department, its
61 tenants, or both, the department shall bear the costs of
62 removing or relocating that utility facility. However, the
63 department is not responsible for bearing the cost of removing
64 or relocating any subsequent additions to that facility for the
65 purpose of serving others.

66 (e) If, under an agreement between a utility and the
67 authority entered into after the effective date of this
68 subsection, the utility conveys, subordinates, or relinquishes a
69 compensable property right to the authority for the purpose of



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70 accommodating the acquisition or use of the right-of-way by the
71 authority, without the agreement expressly addressing future
72 responsibility for the cost of removing or relocating the
73 utility, the authority shall bear the cost of removal or
74 relocation. This paragraph does not impair or restrict, and may
75 not be used to interpret, the terms of any such agreement
76 entered into before the effective date of this paragraph.
77

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

79 And the title is amended as follows:

80 Delete lines 2 - 4

81 and insert:

82 An act relating to transportation; amending s. 125.42,
83 F.S.; providing for counties to incur certain costs related to
84 the relocation or removal of certain utility facilities under
85 specified circumstances; amending s. 337.403, F.S.; providing
86 for the department or local governmental entity to pay certain
87 costs of removal or relocation of a utility facility that is
88 found to be interfering with the use, maintenance, improvement,
89 extension, or expansion of a public road or publicly owned rail
90 corridor under described circumstances;