

1 A bill to be entitled
 2 An act relating to telephone and telegraph companies;
 3 repealing s. 362.01, F.S., relating to the power of
 4 telephone and telegraph companies to erect posts, wires,
 5 and other fixtures on or beside any public road or
 6 highway; repealing s. 362.02, F.S., relating to the right
 7 of telephone and telegraph companies to construct,
 8 maintain, and operate lines along and upon the right-of-
 9 way of any railroad and to exercise eminent domain for
 10 that purpose; amending s. 337.401, F.S.; conforming a
 11 cross-reference; providing an effective date.

12
 13 Be It Enacted by the Legislature of the State of Florida:

14
 15 Section 1. Sections 362.01 and 362.02, Florida Statutes,
 16 are repealed.

17 Section 2. Paragraph (h) of subsection (3) of section
 18 337.401, Florida Statutes, is amended to read:

19 337.401 Use of right-of-way for utilities subject to
 20 regulation; permit; fees.—

21 (3)

22 (h) A provider of communications services that has
 23 obtained permission to occupy the roads or rights-of-way of an
 24 incorporated municipality pursuant to former s. 362.01 or that
 25 is otherwise lawfully occupying the roads or rights-of-way of a
 26 municipality shall not be required to obtain consent to continue
 27 such lawful occupation of those roads or rights-of-way; however,
 28 nothing in this paragraph shall be interpreted to limit the

CODING: Words **stricken** are deletions; words **underlined** are additions.

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29 | power of a municipality to adopt or enforce reasonable rules or
30 | regulations as provided in this section.

31 | Section 3. This act shall take effect July 1, 2010.