

HB 355

2013

1 A bill to be entitled
2 An act relating to the Department of Transportation;
3 requiring the department to adopt rules governing use
4 of the department's excess fiber optic communication
5 networks for nontransportation purposes; providing an
6 effective date.

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

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10 Section 1. Department of Transportation policy for use of
11 excess data transmission capacity.—By July 1, 2014, the
12 Department of Transportation shall adopt rules governing the use
13 of the department's excess fiber optic communication networks by
14 local governmental entities for nontransportation purposes. The
15 rules must comply with state law and, if applicable, federal
16 regulations governing property acquired with federal aid. The
17 rules may allow, but are not required to allow, any such
18 nontransportation use. However, if such nontransportation use is
19 allowed, the rules must:

20 (1) Provide for an interlocal agreement to define the
21 agreed to parameters for use of the department's fiber optic
22 network. The agreement shall define each party's respective
23 rights and roles and must preserve the department's right to
24 terminate the agreement if the right-of-way area occupied by the
25 fiber is subsequently required for transportation purposes.

26 (2) Establish a statewide policy for the allowed use of
27 the fiber optic network. The policy must be consistent with
28 federal regulations governing federal-aid projects, provide for

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29 | future fiber optic needs for transportation purposes, and
30 | include requirements for a needs analysis to be performed before
31 | each nontransportation use is considered.

32 | Section 2. This act shall take effect July 1, 2013.