

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Commerce Committee
2 Representative Robinson, W. offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

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

337.403 Interference caused by utility; expenses.—

(1) If a utility that is placed upon, under, over, or within the right-of-way limits of any public road or publicly owned rail corridor is found by the authority to be unreasonably interfering in any way with the convenient, safe, or continuous use, or the maintenance, improvement, extension, or expansion, of such public road or publicly owned rail corridor, the utility owner shall, within 30 days after ~~upon 30 days'~~ written notice to the utility or its agent by the authority, initiate the work

Amendment No. 1

17 necessary to alleviate the interference at its own expense
18 except as provided in paragraphs (a)-(k) ~~(a)-(j)~~. The work must
19 be completed within such reasonable time as stated in the notice
20 or such time as agreed to by the authority and the utility
21 owner.

22 (a) If the relocation of utility facilities, as referred
23 to in s. 111 of the Federal-Aid Highway Act of 1956, Pub. L. No.
24 84-627, is necessitated by the construction of a project on the
25 federal-aid interstate system, including extensions thereof
26 within urban areas, and the cost of the project is eligible and
27 approved for reimbursement by the Federal Government to the
28 extent of 90 percent or more under the Federal-Aid Highway Act,
29 or any amendment thereof, then in that event the utility owning
30 or operating such facilities shall perform any necessary work
31 upon notice from the department, and the state shall pay the
32 entire expense properly attributable to such work after
33 deducting therefrom any increase in the value of a new facility
34 and any salvage value derived from an old facility.

35 (b) When a joint agreement between the department and the
36 utility is executed for utility work to be accomplished as part
37 of a contract for construction of a transportation facility, the
38 department may participate in those utility work costs that
39 exceed the department's official estimate of the cost of the
40 work by more than 10 percent. The amount of such participation
41 is limited to the difference between the official estimate of

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Amendment No. 1

42 all the work in the joint agreement plus 10 percent and the
43 amount awarded for this work in the construction contract for
44 such work. The department may not participate in any utility
45 work costs that occur as a result of changes or additions during
46 the course of the contract.

47 (c) When an agreement between the department and utility
48 is executed for utility work to be accomplished in advance of a
49 contract for construction of a transportation facility, the
50 department may participate in the cost of clearing and grubbing
51 necessary to perform such work.

52 (d) If the utility facility was initially installed to
53 exclusively serve the authority or its tenants, or both, the
54 authority shall bear the costs of the utility work. However, the
55 authority is not responsible for the cost of utility work
56 related to any subsequent additions to that facility for the
57 purpose of serving others. For a county or municipality, if such
58 utility facility was installed in the right-of-way as a means to
59 serve a county or municipal facility on a parcel of property
60 adjacent to the right-of-way and if the intended use of the
61 county or municipal facility is for a use other than
62 transportation purposes, the obligation of the county or
63 municipality to bear the costs of the utility work shall extend
64 only to utility work on the parcel of property on which the
65 facility of the county or municipality originally served by the
66 utility facility is located.

665999 - h0703-strike.docx

Published On: 4/4/2025 4:40:08 PM

Amendment No. 1

67 (e) If, under an agreement between a utility and the
68 authority entered into after July 1, 2009, the utility conveys,
69 subordinates, or relinquishes a compensable property right to
70 the authority for the purpose of accommodating the acquisition
71 or use of the right-of-way by the authority, without the
72 agreement expressly addressing future responsibility for the
73 cost of necessary utility work, the authority shall bear the
74 cost of removal or relocation. This paragraph does not impair or
75 restrict, and may not be used to interpret, the terms of any
76 such agreement entered into before July 1, 2009.

77 (f) If the utility is an electric facility being relocated
78 underground in order to enhance vehicular, bicycle, and
79 pedestrian safety and in which ownership of the electric
80 facility to be placed underground has been transferred from a
81 private to a public utility within the past 5 years, the
82 department shall incur all costs of the necessary utility work.

83 (g) An authority may bear the costs of utility work
84 required to eliminate an unreasonable interference when the
85 utility is not able to establish that it has a compensable
86 property right in the particular property where the utility is
87 located if:

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

90 2. The utility demonstrates that it has a compensable
91 property right in adjacent properties along the alignment of the

Amendment No. 1

92 utility or, after due diligence, certifies that the utility does
93 not have evidence to prove or disprove that it has a compensable
94 property right in the particular property where the utility is
95 located; and

96 3. The information available to the authority does not
97 establish the relative priorities of the authority's and the
98 utility's interests in the particular property.

99 (h) If a municipally owned utility or county-owned utility
100 is located in a rural area of opportunity, as defined in s.
101 288.0656(2), and the department determines that the utility is
102 unable, and will not be able within the next 10 years, to pay
103 for the cost of utility work necessitated by a department
104 project on the State Highway System, the department may pay, in
105 whole or in part, the cost of such utility work performed by the
106 department or its contractor.

107 (i) If the relocation of utility facilities is
108 necessitated by the construction of a commuter rail service
109 project or an intercity passenger rail service project and the
110 cost of the project is eligible and approved for reimbursement
111 by the Federal Government, then in that event the utility owning
112 or operating such facilities located by permit on a department-
113 owned rail corridor shall perform any necessary utility
114 relocation work upon notice from the department, and the
115 department shall pay the expense properly attributable to such
116 utility relocation work in the same proportion as federal funds

665999 - h0703-strike.docx

Published On: 4/4/2025 4:40:08 PM

Amendment No. 1

117 are expended on the commuter rail service project or an
118 intercity passenger rail service project after deducting
119 therefrom any increase in the value of a new facility and any
120 salvage value derived from an old facility. In no event shall
121 the state be required to use state dollars for such utility
122 relocation work. This paragraph does not apply to any phase of
123 the Central Florida Commuter Rail project, known as SunRail.

124 (j) If a utility is lawfully located within an existing
125 and valid utility easement granted by recorded plat, regardless
126 of whether such land was subsequently acquired by the authority
127 by dedication, transfer of fee, or otherwise, the authority must
128 bear the cost of the utility work required to eliminate an
129 unreasonable interference. The authority shall pay the entire
130 expense properly attributable to such work after deducting any
131 increase in the value of a new facility and any salvage value
132 derived from an old facility.

133 (k) If the authority requires a provider of communications
134 services that are subject to the Communications Services Tax
135 Simplification Law of chapter 202 to relocate a facility used to
136 provide such communications services, upon written notice by the
137 authority of such a need to relocate facilities, the
138 communications service provider owning or operating such
139 facility shall provide the authority a reasonable utility
140 relocation schedule to expedite the completion of the
141 authority's construction or maintenance project identified in

665999 - h0703-strike.docx

Published On: 4/4/2025 4:40:08 PM

Amendment No. 1

142 the notice, and, within 60 days after the written notice from
143 the authority, initiate any necessary work. The authority
144 requiring such relocation shall pay the entire expense properly
145 attributable to such work.

146 **Section 2. Subsection (5) of section 125.42, Florida**
147 **Statutes, is amended to read:**

148 125.42 Water, sewage, gas, power, telephone, other
149 utility, and television lines within the right-of-way limits of
150 county roads and highways.—

151 (5) In the event of widening, repair, or reconstruction of
152 any such road, the licensee shall move or remove such water,
153 sewage, gas, power, telephone, and other utility lines and
154 television lines at no cost to the county should they be found
155 by the county to be unreasonably interfering, except as provided
156 in s. 337.403(1)(d)-(k) ~~s. 337.403(1)(d)-(j)~~.

157 **Section 3.** The Legislature finds and declares that this
158 act fulfills an important state interest.

159 **Section 4.** This act shall take effect July 1, 2025.

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161 -----

162 **T I T L E A M E N D M E N T**

163 Remove everything before the enacting clause and insert:
164 An act relating to utility relocation; amending s.
165 337.403, F.S.; revising the timeframe within which
166 certain utility owners must initiate work; requiring a

Amendment No. 1

167 | communications service provider to perform work under
168 | specific circumstances; requiring specified utility
169 | owners to provide a certain authority with utility
170 | relocation schedules within a certain timeframe to
171 | expedite work; requiring the authority to pay
172 | relocation expenses in certain instances; amending s.
173 | 125.42, F.S.; conforming a cross-reference; providing
174 | a finding and declaration of important state interest;
175 | providing an effective date.