

1 A bill to be entitled
 2 An act relating to utility relocation; amending s.
 3 337.403, F.S.; requiring utility owners to provide a
 4 certain authority with utility relocation schedules
 5 within a certain timeframe to expedite work; revising
 6 the timeframe within which a utility owner must
 7 initiate work; requiring a service provider to perform
 8 work under specific circumstances; requiring the
 9 authority to pay relocation expenses in certain
 10 instances; amending s. 125.42, F.S.; conforming a
 11 cross-reference; providing an effective date.

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

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

17 337.403 Interference caused by utility; expenses.—
 18 (1) If a utility that is placed upon, under, over, or
 19 within the right-of-way limits of any public road or publicly
 20 owned rail corridor is found by the authority to be unreasonably
 21 interfering in any way with the convenient, safe, or continuous
 22 use, or the maintenance, improvement, extension, or expansion,
 23 of such public road or publicly owned rail corridor, the utility
 24 owner shall, within 30 days after ~~upon 30 days~~ written notice
 25 to the utility or its agent by the authority, provide the

26 | authority a reasonable utility relocation schedule to expedite
27 | the completion of the authority's construction or maintenance
28 | project identified in the notice, and, within 60 days after the
29 | written notice from the authority, initiate the work necessary
30 | to alleviate the interference at its own expense except as
31 | provided in paragraphs (a)-(k) ~~(a)-(j)~~. The work must be
32 | completed within such reasonable time as stated in the notice or
33 | such time as agreed to by the authority and the utility owner.

34 | (a) If the relocation of utility facilities, as referred
35 | to in s. 111 of the Federal-Aid Highway Act of 1956, Pub. L. No.
36 | 84-627, is necessitated by the construction of a project on the
37 | federal-aid interstate system, including extensions thereof
38 | within urban areas, and the cost of the project is eligible and
39 | approved for reimbursement by the Federal Government to the
40 | extent of 90 percent or more under the Federal-Aid Highway Act,
41 | or any amendment thereof, then in that event the utility owning
42 | or operating such facilities shall perform any necessary work
43 | upon notice from the department, and the state shall pay the
44 | entire expense properly attributable to such work after
45 | deducting therefrom any increase in the value of a new facility
46 | and any salvage value derived from an old facility.

47 | (b) When a joint agreement between the department and the
48 | utility is executed for utility work to be accomplished as part
49 | of a contract for construction of a transportation facility, the
50 | department may participate in those utility work costs that

51 exceed the department's official estimate of the cost of the
52 work by more than 10 percent. The amount of such participation
53 is limited to the difference between the official estimate of
54 all the work in the joint agreement plus 10 percent and the
55 amount awarded for this work in the construction contract for
56 such work. The department may not participate in any utility
57 work costs that occur as a result of changes or additions during
58 the course of the contract.

59 (c) When an agreement between the department and utility
60 is executed for utility work to be accomplished in advance of a
61 contract for construction of a transportation facility, the
62 department may participate in the cost of clearing and grubbing
63 necessary to perform such work.

64 (d) If the utility facility was initially installed to
65 exclusively serve the authority or its tenants, or both, the
66 authority shall bear the costs of the utility work. However, the
67 authority is not responsible for the cost of utility work
68 related to any subsequent additions to that facility for the
69 purpose of serving others. For a county or municipality, if such
70 utility facility was installed in the right-of-way as a means to
71 serve a county or municipal facility on a parcel of property
72 adjacent to the right-of-way and if the intended use of the
73 county or municipal facility is for a use other than
74 transportation purposes, the obligation of the county or
75 municipality to bear the costs of the utility work shall extend

76 only to utility work on the parcel of property on which the
77 facility of the county or municipality originally served by the
78 utility facility is located.

79 (e) If, under an agreement between a utility and the
80 authority entered into after July 1, 2009, the utility conveys,
81 subordinates, or relinquishes a compensable property right to
82 the authority for the purpose of accommodating the acquisition
83 or use of the right-of-way by the authority, without the
84 agreement expressly addressing future responsibility for the
85 cost of necessary utility work, the authority shall bear the
86 cost of removal or relocation. This paragraph does not impair or
87 restrict, and may not be used to interpret, the terms of any
88 such agreement entered into before July 1, 2009.

89 (f) If the utility is an electric facility being relocated
90 underground in order to enhance vehicular, bicycle, and
91 pedestrian safety and in which ownership of the electric
92 facility to be placed underground has been transferred from a
93 private to a public utility within the past 5 years, the
94 department shall incur all costs of the necessary utility work.

95 (g) An authority may bear the costs of utility work
96 required to eliminate an unreasonable interference when the
97 utility is not able to establish that it has a compensable
98 property right in the particular property where the utility is
99 located if:

100 1. The utility was physically located on the particular

101 property before the authority acquired rights in the property;

102 2. The utility demonstrates that it has a compensable
103 property right in adjacent properties along the alignment of the
104 utility or, after due diligence, certifies that the utility does
105 not have evidence to prove or disprove that it has a compensable
106 property right in the particular property where the utility is
107 located; and

108 3. The information available to the authority does not
109 establish the relative priorities of the authority's and the
110 utility's interests in the particular property.

111 (h) If a municipally owned utility or county-owned utility
112 is located in a rural area of opportunity, as defined in s.
113 288.0656(2), and the department determines that the utility is
114 unable, and will not be able within the next 10 years, to pay
115 for the cost of utility work necessitated by a department
116 project on the State Highway System, the department may pay, in
117 whole or in part, the cost of such utility work performed by the
118 department or its contractor.

119 (i) If the relocation of utility facilities is
120 necessitated by the construction of a commuter rail service
121 project or an intercity passenger rail service project and the
122 cost of the project is eligible and approved for reimbursement
123 by the Federal Government, then in that event the utility owning
124 or operating such facilities located by permit on a department-
125 owned rail corridor shall perform any necessary utility

126 relocation work upon notice from the department, and the
127 department shall pay the expense properly attributable to such
128 utility relocation work in the same proportion as federal funds
129 are expended on the commuter rail service project or an
130 intercity passenger rail service project after deducting
131 therefrom any increase in the value of a new facility and any
132 salvage value derived from an old facility. In no event shall
133 the state be required to use state dollars for such utility
134 relocation work. This paragraph does not apply to any phase of
135 the Central Florida Commuter Rail project, known as SunRail.

136 (j) If a utility is lawfully located within an existing
137 and valid utility easement granted by recorded plat, regardless
138 of whether such land was subsequently acquired by the authority
139 by dedication, transfer of fee, or otherwise, the authority must
140 bear the cost of the utility work required to eliminate an
141 unreasonable interference. The authority shall pay the entire
142 expense properly attributable to such work after deducting any
143 increase in the value of a new facility and any salvage value
144 derived from an old facility.

145 (k) If the authority requires a provider of broadband
146 Internet service as defined in s. 288.9961(2), or a cable
147 service provider or video service provider as defined in s.
148 610.103, to relocate a facility used to provide such service,
149 the service provider owning or operating such facility shall
150 perform any necessary work upon notice from the authority, and

151 the authority requiring such relocation shall pay the entire
 152 expense properly attributable to such work.

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

155 125.42 Water, sewage, gas, power, telephone, other
 156 utility, and television lines within the right-of-way limits of
 157 county roads and highways.—

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

164 **Section 3.** This act shall take effect July 1, 2025.