

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 2602  
 SPONSOR: Senator Sebesta  
 SUBJECT: Use of Right-of-Way for Utilities  
 DATE: March 19, 2004      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Eichin</u>	<u>Meyer</u>	<u>TR</u>	<u>Favorable</u>
2.	_____	_____	<u>CP</u>	_____
3.	_____	_____	<u>CU</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**I. Summary:**

The bill amends s. 337.401, F.S., to exempt the facilities of public utilities from those permits for which the Florida Department of Transportation (FDOT) has authority to delegate to another governmental entity.

This bill substantially amends section 337.401 of the Florida Statutes.

**II. Present Situation:**

The 2002 Legislature granted FDOT the authority to enter into agreements delegating stormwater drainage permitting to a governmental entity in instances where the agency determines that permit issuance is based on requirements that are at least as stringent as its own and will ensure the safety and integrity of FDOT facilities. In 2003, the Legislature amended s. 337.401, F.S., to allow FDOT to coordinate with other governmental entities, where appropriate, to delegate road-connection permitting and permitting of right-of-way use by utilities. FDOT has supported permit delegation as a way to reduce its permitting staff, as well as create time and cost-saving efficiencies for permit applicants.

The electric utilities expressed concerns with the 2002 law change, saying they are comfortable with and well-versed in FDOT's requirements and processes for utility permitting or relocation in connection with public right-of-way improvements. Spread into the House and Senate Journals in the 2003 regular session were assurances that local governments could not require specifications different from those of FDOT, nor could a local government withhold a permit that otherwise would be granted by FDOT.

**III. Effect of Proposed Changes:**

The bill amends s. 337.401, F.S., to exempt the facilities of public utilities from those permits for which FDOT has authority to enter into agreements delegating the permitting to a governmental entity.

**IV. Constitutional Issues:****A. Municipality/County Mandates Restrictions:**

None.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**V. Economic Impact and Fiscal Note:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

This bill removes the potential for unexpected costs for the public utilities, if local governments that receive FDOT permit-delegation authority stall issuing permits for utility projects.

**C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.