



**To:** FWEA Utility Council

**From:** David Childs

**Date:** February 5, 2025

**Re:** SB 462 and Utility Relocations

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Senator Nick DiCeglie (R-Pinellas County) filed a comprehensive transportation bill, [SB 462](#). Sections 10 and 11 of the legislation would likely impact FWEA Utility Council members, because it modifies the process for relocating utility lines in right-of-ways and gives the Florida Department of Transportation (“FDOT” or “department”) new oversight responsibilities concerning utility relocations. A brief overview is provided below:

**Section 10** of the bill amends 337.401 “Use of right-of-way for utilities subject to regulation; permit; fees”, and requires an entity that places, replaces, or relocates underground utilities within a right-of-way to make them “electronically detectable using techniques approved by the department.” The bill does not describe what those techniques may be or explain the process for the department to approve these techniques. Also, Section 10 provides that relocation agreements must require the party to the agreement to be responsible for any damage resulting from the work required. It also includes this provision related to utility owners, costs, and damages:

The utility owner shall pay to the authority reasonable damages resulting from a failure or refusal to timely remove or relocate a utility. Issuance of permits for new placement of utilities within the authority’s rights-of-way may be subject to payment of any costs incurred by the authority due to the failure of the utility owner to timely relocate utilities pursuant to an approved utility work schedule, for damage done to existing infrastructure by the utility owner, and for roadway failures caused by work performed by the utility owner.

**Section 11** provides that FDOT “may reimburse up to 50 percent of the costs for relocation of publicly regulated utility facilities and municipally owned or county-owned utility facilities, and 100 percent of the costs for relocation of municipally owned or county-



owned utility facilities located in a rural area of opportunity...on the state highway system after deducting therefrom any increase in the value of a new facility and any salvage value derived from an old facility upon determining that such reimbursement is in the best interests of the public and necessary to expedite the construction of the project.” This section also creates new requirements and timelines of cooperation with the department for relocation projects and highway improvement plans. It further requires the department to create mediation boards for the resolution of disputes between a utility and the department concerning a utility relocation schedule, contractor’s claims for delay costs, or any other matter related to the removal, relocation, or adjustment of utility facilities under this section.

FWEA Utility Council members are encouraged to closely review this legislation and let us know if you have any concerns.