

From: John Holic
Sent: Wednesday, October 28, 2015 4:03 AM
To: City Council <CityCouncil@Venicegov.com>
Cc: Edward Lavallee <ELavallee@Venicegov.com>; Lori Stelzer <LStelzer@Venicegov.com>; Judy Gamel <JGamel@Venicegov.com>; Heather Taylor <HTaylor@Venicegov.com>; Richard Cautero <RCautero@Venicegov.com>; Dave Persson <dpersson@swflgovlaw.com>
Subject: Fw: Utility Relocation Bill - SB 416 (Flores)

Council,
Please do not reply or comment. This is FYI only.
Lori,
Please include on next agenda.
Dave,
By the next meeting, I hope you will have sufficient information to provide us with further information.

Thanks,
John

John Holic
Mayor, City of Venice

From: Dave Persson - Persson & Cohen <dpersson@swflgovlaw.com>
Sent: Tuesday, October 27, 2015 12:59 PM
To: Kathleen Weeden; Edward Lavallee; Timothy Hochuli
Cc: John Holic; Lenox E. Bramble; Maggie Mooney-Portale - Persson & Cohen; Kelly Fernandez - Persson & Cohen; David Jackson - Persson & Cohen
Subject: FW: Utility Relocation Bill - SB 416 (Flores)

FYI

David P. Persson
Persson & Cohen, P.A.
217 Nassau Street South
Venice, FL 34285
(941) 375 3565

From: Tammy Revell [<mailto:trevell@flcities.com>]
Sent: Tuesday, October 27, 2015 12:40 PM
To: Dave Persson - Persson & Cohen
Subject: Utility Relocation Bill - SB 416 (Flores)

FROM: Chip Morrison, General Counsel

As filed, SB 416 (Flores) shifted the financial burden to pay all utility equipment relocation costs from the utilities to cities. Last week, it was amended to shift a significant amount of the costs back onto the utilities.

Though we still have significant concerns, we view this as a considerable improvement over the bill as filed.

Below is a summary of the bill as well as a link to the bill as currently amended as you may get questions from members of your governing body.

If you have any questions or comments about this issue, you may contact Megan Sirjane-Samples at 850.222.9684 or msirjanesamples@flcities.com.

Summary of the bill:

CS/SB 416 addresses the responsibility for the cost of relocating utility facilities in a public easement. Easements dedicated to the public for utilities are typically located along existing road or highway rights-of-way and are available for use by a variety of utility providers. Under the bill, the owner of a utility that requires relocation will be liable for relocation costs only if their lines and facilities are across, on or “within” the right-of-way, rather than “along” any right-of-way. The bill also provides that a governmental authority must bear the cost of utility work required to eliminate an unreasonable interference if the utility is located within an existing and valid utility easement granted by recorded plat, regardless of whether such land was subsequently acquired by the governmental authority, by dedication, transfer of fee, or otherwise. According to the Florida Department of Transportation (DOT), CS/CS/SB 896, a similar bill from 2015, was expected to have an indeterminate negative fiscal impact on state expenditures relating to the cost of utility relocation on state roads. To the extent funds are expended for such relocations, projects currently planned in the Work Program may need to be adjusted. The bill, like CS/CS/SB 896 from 2015, is also expected to have an indeterminate negative fiscal impact on local governments that may now be responsible for the cost of utility relocations. (Senate Community Affairs Staff Analysis)

Link to the bill as currently amended:

<https://www.flsenate.gov/Session/Bill/2016/0416/BillText/c1/PDF>

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