Proposed strike-all amendment:

Delete everything after the enacting clause and insert:

Section 1. Subsections (1) and (2) of section 337.403, Florida Statutes, is amended to read:

337.403 Relocation of utility; expenses.—

(1) When a utility heretofore or hereafter placed upon, under, over, or along any public road or publicly owned rail corridor that 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, upon 30 days' written notice to the utility or its agent by the authority, initiate the work necessary to alleviate the interference be removed or relocated by such utility at its own expense except as provided in paragraphs (a) – (g) (a)–(f). The work shall be completed within such time as stated in the notice or such time as is agreed to by the authority and the utility owner.

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

(b) When a joint agreement between the department and the utility is executed for utility improvement, relocation, or removal work to be accomplished as part of a contract for construction of a transportation facility, the department may participate in those utility work improvement, relocation, or removal costs that exceed the department's official estimate of the cost of the work by more than 10
percent. The amount of such participation shall be limited to the difference between the official estimate of all the work in the joint agreement plus 10 percent and the amount awarded for this work in the construction contract for such work. The department may not participate in any utility work improvement, relocation, or removal costs that occur as a result of changes or additions during the course of the contract.

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

(d) If the utility facility involved being removed or relocated was initially installed to exclusively serve the department, its tenants, or both, the department shall bear the costs of the utility work removing or relocating that utility facility. However, the department is not responsible for bearing the cost of utility work related to removing or relocating any subsequent additions to that facility for the purpose of serving others.

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

(f) If the utility is an electric facility being relocated underground in order to enhance vehicular, bicycle, and pedestrian safety and in which ownership of the electric facility to be placed underground has been transferred from a private to a public utility within the past 5 years, the department shall incur all costs of the necessary utility work relocation.
(2) If such utility work removal or relocation is incidental to work to be done on such road or publicly owned rail corridor, the notice shall be given at the same time the contract for the work is advertised for bids, or no less than 30 days prior to the commencement of such work by the authority whichever is greater.

(3) Whenever the notice from an order of the authority requires such utility work removal or change in the location of any utility from the right of way of a public road or publicly owned rail corridor, and the owner thereof fails to perform the work remove or change the same at his or her own expense to conform to the order within the time stated in the notice or such other time as agreed to by the authority and the utility owner, the authority shall proceed to cause the utility work to be performed to be removed. The expense thereby incurred shall be paid out of any money available therefor, and such expense shall, except as provided in subsection (1), be charged against the owner and levied and collected and paid into the fund from which the expense of such relocation was paid.

Section 2. Subsection (1) of section 337.404, Florida Statutes, is amended to read:

337.404 Removal or relocation of utility facilities; notice and order; court review.—

(1) Whenever it shall become necessary for the authority to perform utility work remove or relocate any utility as provided in the preceding section, the owner of the utility, or the owner's chief agent, shall be given notice that the authority will perform of such work removal or relocation and, after the work is complete, shall be given an order requiring the payment of the cost thereof, and shall be given a reasonable time, which shall not be less than 20 nor more than 30 days, in which to appear before the authority to contest the reasonableness of the order. Should the owner or the owner's representative not appear, the determination of the cost to the owner shall be final. Authorities considered agencies for the purposes of chapter 120 shall adjudicate removal or relocation of utilities pursuant to chapter 120.