

A bill to be entitled

An act relating to the City of Pembroke Pines; providing for the removal or relocation of pole attachments located on redundant poles; instructing the Florida Public Services Commission to adopt certain rules and regulations; providing an effective date.

Be It Enacted by the Legislature of the State of Florida.

Section 1. Legislative findings. Pembroke Pines is the second most populous City in Broward County. In recent years, Florida Power & Light Company as well as other utility services providers have endeavored to harden aging utility infrastructure throughout the State of Florida by installing new power poles. In many cases, the new hardened poles are replacing older utility poles (“Redundant Poles”) without removing or relocating the pole attachments owned by other companies (“Attaching Entities”) connected to the redundant poles (“Pole Attachments”). The utility services providers administering the hardening projects have no legal obligation under State Statute to remove the remaining Pole Attachments. Sec. 366.97, Fla. Stat., provides a general 180-calendar day timeframe to Attaching Entities to remove the Pole Attachments from Redundant Poles upon receipt of an electronic or written notice from the pole owner requesting removal. The installation of new poles and other utility hardware without the legal requirement to remove the remaining Pole Attachments from the redundant poles has resulted in a proliferation of Redundant Poles and Pole Attachments throughout the City of Pembroke Pines. The proliferation of Pole Attachments throughout Pembroke Pines poses a public safety risk to the City’s residents because many of the remaining Pole Attachments located along the City’s streets abut commercial and residential neighborhoods and no longer receive maintenance. The Pole Attachments may endanger the City’s residents by creating hazardous conditions and may be compromised during a storm event such as a hurricane. Section 337.401, Fla. Stat., provides that a utility located within a right-of-way belonging to a municipality may not be installed, located, or relocated unless authorized by written permit issued by the municipality. Moreover, it is within the State’s discretion to implement a rule or policy authorizing the City of Pembroke Pines to withhold all right-of-way permits applications for the installation, removal, or relocation of utilities requested by attaching entities who have not removed or relocated Pole Attachments within the 180-calendar day timeframe provided by Statute.

Section 2. The Florida Public Services Commission has jurisdiction over the planning, development, and maintenance of a coordinated electric power grid throughout Florida to assure an adequate and reliable source of energy for operational and emergency purposes in Florida and

the avoidance of further uneconomic duplication of generation, transmission, and distribution facilities.

Section 3. The Florida Public Services Commission is hereby authorized to promulgate any rules or forms necessary to implement this section.

Section 4. This act shall take effect upon becoming a law.