

## CHAPTER 2021-191

### Committee Substitute for Senate Bill No. 1944

An act relating to utility and communications poles; amending s. 120.80, F.S.; exempting certain rules adopted by the Public Service Commission from legislative ratification requirements; amending s. 366.02, F.S.; defining terms; amending s. 366.04, F.S.; requiring the commission to regulate and enforce rates, charges, terms, and conditions for pole attachments under certain circumstances; providing requirements for such rules; providing construction; providing situations under which a pole owner may deny access to the owner's pole on a nondiscriminatory basis; requiring the commission to hear and resolve complaints concerning rates, charges, terms, conditions, voluntary agreements, and denial of access relative to pole attachments; requiring the commission to establish cost-based rates, charges, terms, and conditions for pole attachments and apply certain decisions and orders of the Federal Communications Commission; requiring the commission to authorize certain parties to participate as an intervenor in a specified number of administrative proceedings; requiring the commission to adopt rules by a specified date and provide certification to the Federal Communications Commission upon such adoption; requiring the commission to regulate the safety, vegetation management, repair, replacement, maintenance, relocation, emergency response, and storm restoration requirements for poles of communications services providers; providing an exception; requiring the commission to adopt rules, including monetary penalties, by a specified date; authorizing the commission to access the books and records of communications services providers for specified purposes; providing that such information that contains proprietary confidential business information retains its confidential or exempt status when held by the commission; creating s. 366.97, F.S.; requiring pole owners to give advance notice to affected attaching entities of hardening projects; requiring attaching entities to remove pole attachments from redundant poles within a specified timeframe after receipt of electronic or written notice from the pole owner; authorizing a pole owner or its agent to transfer or relocate pole attachments of an attaching entity at the entity's expense under certain circumstances; providing an exception; requiring attaching entities to submit payment within a specified timeframe; authorizing pole owners to seek enforcement of such payment; requiring that the pole owner and its directors, officers, agents, and employees be held harmless under certain circumstances for such actions; authorizing a pole owner to remove and sell or dispose of certain abandoned pole attachments; authorizing the commission to issue orders for the removal or transfer of pole attachments by noncompliant attaching entities upon petition by a pole owner; providing construction; providing a directive to the Division of Law Revision; providing an effective date. Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (g) is added to subsection (13) of section 120.80, Florida Statutes, to read:

120.80 Exceptions and special requirements; agencies.—

(13) FLORIDA PUBLIC SERVICE COMMISSION.—

(g) Rules adopted by the Florida Public Service Commission to implement ss. 366.04(8) and (9) and 366.97 are not subject to s. 120.541.

\* \* \* \* \*

Section 6. This act shall take effect upon becoming a law.

Approved by the Governor June 29, 2021.

Filed in Office Secretary of State June 29, 2021.