



CITY MANAGER M E M O R A N D U M

11.B.

To: The Honorable Mayor and City Commissioners
From: The City Manager
Date: September 28, 2026
Subject: First Reading of Ordinance 26-1639 - Roadway and Utility Construction, Article IV – Communications Rights-of-Way

Introduction: First Reading of Ordinance 26-1639 - Amending City Code Chapter 68 – Roadway and Utility Construction, Article IV – Communications Rights-of-Way

Background: The City of Casselberry is granted the authority, under Section 2(b), Article VIII, of the State Constitution, to exercise any power for municipal purposes, except when expressly prohibited by law. Through City Code of Ordinances Chapter 68, Roadway and Utility Construction, Article IV.- Communications Rights-of-Way, the City protects the public health, safety, and general welfare of the community by establishing reasonable rules and regulations necessary to manage the placement or maintenance of communications facilities in the public rights-of-way by all communications services providers and minimizing disruption to the public rights-of-way. In the fall of 2025, the City Commission approved several updates to Chapter 68 to provide additional flexibility for communications services providers to (1) perform their own utility locates in the right-of-way to expedite their projects, which is ordinarily a responsibility of the City pursuant to Chapter 556, Florida Statutes; and (2) allow for projects exceeding 1,000 linear feet at a time, which the City has historically not permitted due to staff time constraints in performing utility locates and managing the projects, risks of damage to underground utilities, and disruption to city residents, pedestrians, and motorists.

Discussion: During the 2026 State Legislative session, the legislature passed SB 488 which restricts a municipality's ability to limit the number of permits in any way, including by project size or by limiting the number of open permits or applications, provided that the permit is closed out within 45 days after the provider's completion of work. These changes are effective October 1, 2026. Other provisions include:

- It further provides that a municipality or county may require the submission or maintenance of a bond or other financial instrument as set out in this section but may not require a cash deposit or other escrow, payment, or exaction as a condition of issuing a permit.
- A municipality or county may not require that a provider locate or perform a survey of any facilities except its own or any right-of-way boundary when requesting a permit consistent with chapter 556. If the owner of a facility fails to locate their facilities as required under chapter 556, a provider may proceed with the work but must use reasonable care and detection equipment or other acceptable means to avoid damaging existing underground facilities.

The proposed Ordinance 26-1639 addresses these new requirements to ensure the City code is in compliance with State Statute. Specifically, the changes include:

- * A permit is currently active for one year. This amendment will change the duration to 180 days from issuance. If no work has started by the 120th day, then the permit becomes void. Work must be completed by the completion date indicated on the application, which shall not be longer than 180 days from the date of issuance, or a new permit shall be required to complete the project. If the permit is not closed out within 45 days from project completion, subsequent permit applications will be denied.
- * Language has been added to allow that the City may require placement of communications facilities in a location that does not interfere with a future City project identified in the CIP.
- * References to the maximum number of permits that may be issued at one time and maximum length of a project have been eliminated as required by the change in state law.
- * Clarified that the City will perform its locates within two business days. If the City is unable to complete them timely, staff may negotiate for a new schedule or direct applicant to use the third-party locates agreement option.
- * Added language that establishes a minimum three-foot horizontal and one-foot vertical separation from any existing water, sewer and/or stormwater line.
- * The amount of the letter of credit (to provide for any restoration needed due to applicant damage to City infrastructure) is no longer determined by a specific project length of either 1,000 linear feet or less (currently \$25,000.000) or between 1,000 and 5,000 linear feet (currently \$150,000.00). The amount of the letter of credit will instead be calculated at \$30 per linear foot of the total project. A cash deposit may be accepted in lieu of a letter of credit. In addition, an option for a bond in the minimum amount of \$15,000.00 is available only for the installation of small wireless facilities as required by the changes to state law.

Budget Impact: There is no financial impact associated with this Ordinance.

Recommendation: The City Manager, Assistant City Manager, Public Works Director, and Utilities Director recommend approval of Ordinance 26-1639 on first reading.

Prepared by: Lorie Mertens, Assistant City Manager

Attachments:

1. Ordinance 26-1639
2. Business Impact Estimate