

1                   A bill to be entitled  
2     An act relating to utility relocation; amending s.  
3     212.20, F.S.; requiring that a specified amount of  
4     communications services tax remittances be distributed  
5     by the Department of Revenue by a nonoperating  
6     transfer to the Department of Commerce in monthly  
7     installments to the Grants and Donations Trust Fund  
8     within the Department of Commerce for the Utility  
9     Relocation Reimbursement Grant Program; revising the  
10    percentage by which a certain amount transferred into  
11    the Local Government Half-cent Sales Tax Clearing  
12    Trust Fund must be reduced, beginning on a certain  
13    date; amending s. 337.403, F.S.; requiring a service  
14    provider to initiate communications services facility  
15    relocation work under certain circumstances;  
16    specifying that a county or municipal authority is not  
17    responsible for paying the expense properly  
18    attributable to such work except as otherwise  
19    provided; authorizing a service provider to apply to  
20    the Utility Relocation Reimbursement Grant Program for  
21    reimbursement of relocation expenses; requiring a  
22    department to notify certain providers of  
23    communications services of certain projects within a  
24    specified timeframe; defining the term "department";  
25    providing notification requirements; requiring a

26 provider to respond to the notification with certain  
27 information within a specified timeframe; requiring  
28 the department to provide a reasonable offer for joint  
29 participation in certain relocation costs under  
30 certain conditions; providing construction; creating  
31 s. 337.4031, F.S.; creating the Utility Relocation  
32 Reimbursement Grant Program within the Department of  
33 Commerce; providing the purpose of the program;  
34 requiring the Department of Revenue to deposit certain  
35 proceeds into a specified trust fund to fund the  
36 program beginning on a certain date; requiring the  
37 Department of Commerce to establish program  
38 requirements by rule; authorizing only certain uses of  
39 program funds; exempting program funds from a certain  
40 service charge; providing that interest earned on  
41 program funds accrues to the program's fund;  
42 authorizing emergency rulemaking; amending ss. 125.42,  
43 202.18, 212.181, and 218.65, F.S.; conforming cross-  
44 references; providing a finding and declaration of  
45 important state interest; providing an appropriation;  
46 providing an effective date.

47  
48 Be It Enacted by the Legislature of the State of Florida:

49  
50 Section 1. Paragraph (d) of subsection (6) of section

51 212.20, Florida Statutes, is amended to read:

52 212.20 Funds collected, disposition; additional powers of  
53 department; operational expense; refund of taxes adjudicated  
54 unconstitutionally collected.—

55 (6) Distribution of all proceeds under this chapter and  
56 ss. 202.18(1)(b) and (2)(b) and 203.01(1)(a)3. is as follows:

57 (d) The proceeds of all other taxes and fees imposed  
58 pursuant to this chapter or remitted pursuant to s. 202.18(1)(b)  
59 and (2)(b) shall be distributed as follows:

60 1. In any fiscal year, the greater of \$500 million, minus  
61 an amount equal to 4.6 percent of the proceeds of the taxes  
62 collected pursuant to chapter 201, or 5.2 percent of all other  
63 taxes and fees imposed pursuant to this chapter or remitted  
64 pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in  
65 monthly installments into the General Revenue Fund.

66 2. After the distribution under subparagraph 1., 8.9744  
67 percent of the amount remitted by a sales tax dealer located  
68 within a participating county pursuant to s. 218.61 shall be  
69 transferred in two parts:

70 a. The total amount of \$50 million of the communications  
71 services taxes remitted pursuant to s. 202.18(1)(b) and (2)(b),  
72 in any fiscal year, shall be distributed by the department by a  
73 nonoperating transfer to the Department of Commerce in monthly  
74 installments to the Grants and Donations Trust Fund within the  
75 Department of Commerce for the Utility Relocation Reimbursement

76 Grant Program created in s. 337.4031; and

77 b. The remainder shall be transferred into the Local  
78 Government Half-cent Sales Tax Clearing Trust Fund. Beginning  
79 October 1, 2025 ~~July 1, 2003~~, the amount to be transferred shall  
80 be reduced by 0.1018 ~~0.1~~ percent, and the department shall  
81 distribute this amount to the Public Employees Relations  
82 Commission Trust Fund less \$5,000 each month, which shall be  
83 added to the amount calculated in subparagraph 3. and  
84 distributed accordingly.

85 3. After the distribution under subparagraphs 1. and 2.,  
86 0.0966 percent shall be transferred to the Local Government  
87 Half-cent Sales Tax Clearing Trust Fund and distributed pursuant  
88 to s. 218.65.

89 4. After the distributions under subparagraphs 1., 2., and  
90 3., 2.0810 percent of the available proceeds shall be  
91 transferred monthly to the Revenue Sharing Trust Fund for  
92 Counties pursuant to s. 218.215.

93 5. After the distributions under subparagraphs 1., 2., and  
94 3., 1.3653 percent of the available proceeds shall be  
95 transferred monthly to the Revenue Sharing Trust Fund for  
96 Municipalities pursuant to s. 218.215. If the total revenue to  
97 be distributed pursuant to this subparagraph is at least as  
98 great as the amount due from the Revenue Sharing Trust Fund for  
99 Municipalities and the former Municipal Financial Assistance  
100 Trust Fund in state fiscal year 1999-2000, no municipality shall

101 receive less than the amount due from the Revenue Sharing Trust  
102 Fund for Municipalities and the former Municipal Financial  
103 Assistance Trust Fund in state fiscal year 1999-2000. If the  
104 total proceeds to be distributed are less than the amount  
105 received in combination from the Revenue Sharing Trust Fund for  
106 Municipalities and the former Municipal Financial Assistance  
107 Trust Fund in state fiscal year 1999-2000, each municipality  
108 shall receive an amount proportionate to the amount it was due  
109 in state fiscal year 1999-2000.

110       6. Of the remaining proceeds:

111       a. In each fiscal year, the sum of \$29,915,500 shall be  
112 divided into as many equal parts as there are counties in the  
113 state, and one part shall be distributed to each county. The  
114 distribution among the several counties must begin each fiscal  
115 year on or before January 5th and continue monthly for a total  
116 of 4 months. If a local or special law required that any moneys  
117 accruing to a county in fiscal year 1999-2000 under the then-  
118 existing provisions of s. 550.135 be paid directly to the  
119 district school board, special district, or a municipal  
120 government, such payment must continue until the local or  
121 special law is amended or repealed. The state covenants with  
122 holders of bonds or other instruments of indebtedness issued by  
123 local governments, special districts, or district school boards  
124 before July 1, 2000, that it is not the intent of this  
125 subparagraph to adversely affect the rights of those holders or

126 | relieve local governments, special districts, or district school  
127 | boards of the duty to meet their obligations as a result of  
128 | previous pledges or assignments or trusts entered into which  
129 | obligated funds received from the distribution to county  
130 | governments under then-existing s. 550.135. This distribution  
131 | specifically is in lieu of funds distributed under s. 550.135  
132 | before July 1, 2000.

133 |       b. The department shall distribute \$166,667 monthly to  
134 | each applicant certified as a facility for a new or retained  
135 | professional sports franchise pursuant to s. 288.1162. Up to  
136 | \$41,667 shall be distributed monthly by the department to each  
137 | certified applicant as defined in s. 288.11621 for a facility  
138 | for a spring training franchise. However, not more than \$416,670  
139 | may be distributed monthly in the aggregate to all certified  
140 | applicants for facilities for spring training franchises.  
141 | Distributions begin 60 days after such certification and  
142 | continue for not more than 30 years, except as otherwise  
143 | provided in s. 288.11621. A certified applicant identified in  
144 | this sub-subparagraph may not receive more in distributions than  
145 | expended by the applicant for the public purposes provided in s.  
146 | 288.1162(5) or s. 288.11621(3).

147 |       c. The department shall distribute up to \$83,333 monthly  
148 | to each certified applicant as defined in s. 288.11631 for a  
149 | facility used by a single spring training franchise, or up to  
150 | \$166,667 monthly to each certified applicant as defined in s.

288.11631 for a facility used by more than one spring training franchise. Monthly distributions begin 60 days after such certification or July 1, 2016, whichever is later, and continue for not more than 20 years to each certified applicant as defined in s. 288.11631 for a facility used by a single spring training franchise or not more than 25 years to each certified applicant as defined in s. 288.11631 for a facility used by more than one spring training franchise. A certified applicant identified in this sub-subparagraph may not receive more in distributions than expended by the applicant for the public purposes provided in s. 288.11631(3).

d. The department shall distribute \$15,333 monthly to the State Transportation Trust Fund.

e.(I) On or before July 25, 2021, August 25, 2021, and September 25, 2021, the department shall distribute \$324,533,334 in each of those months to the Unemployment Compensation Trust Fund, less an adjustment for refunds issued from the General Revenue Fund pursuant to s. 443.131(3)(e)3. before making the distribution. The adjustments made by the department to the total distributions shall be equal to the total refunds made pursuant to s. 443.131(3)(e)3. If the amount of refunds to be subtracted from any single distribution exceeds the distribution, the department may not make that distribution and must subtract the remaining balance from the next distribution.

(II) Beginning July 2022, and on or before the 25th day of

each month, the department shall distribute \$90 million monthly to the Unemployment Compensation Trust Fund.

(III) If the ending balance of the Unemployment Compensation Trust Fund exceeds \$4,071,519,600 on the last day of any month, as determined from United States Department of the Treasury data, the Office of Economic and Demographic Research shall certify to the department that the ending balance of the trust fund exceeds such amount.

(IV) This sub-subparagraph is repealed, and the department shall end monthly distributions under sub-sub-subparagraph (II), on the date the department receives certification under sub-sub-subparagraph (III).

f. Beginning July 1, 2023, in each fiscal year, the department shall distribute \$27.5 million to the Florida Agricultural Promotional Campaign Trust Fund under s. 571.26, for further distribution in accordance with s. 571.265.

7. All other proceeds must remain in the General Revenue Fund.

Section 2. Subsection (1) of section 337.403, Florida Statutes, is amended, and subsection (4) is added to that section, to read:

337.403 Interference caused by utility; expenses.—

(1) If a utility that is placed upon, under, over, or within the right-of-way limits of any public road or publicly owned rail corridor is found by the authority to be unreasonably



201 interfering in any way with the convenient, safe, or continuous  
202 use, or the maintenance, improvement, extension, or expansion,  
203 of such public road or publicly owned rail corridor, the utility  
204 owner must ~~shall~~, within 30 days after ~~upon 30 days~~ written  
205 notice to the utility or its agent by the authority, initiate  
206 the work necessary to alleviate the interference at its own  
207 expense except as provided in paragraphs (a)-(k) ~~(a)-(j)~~. The  
208 work must be completed within such reasonable time as stated in  
209 the notice or such time as agreed to by the authority and the  
210 utility owner.

211       (a) If the relocation of utility facilities, as referred  
212 to in s. 111 of the Federal-Aid Highway Act of 1956, Pub. L. No.  
213 84-627, is necessitated by the construction of a project on the  
214 federal-aid interstate system, including extensions thereof  
215 within urban areas, and the cost of the project is eligible and  
216 approved for reimbursement by the Federal Government to the  
217 extent of 90 percent or more under the Federal-Aid Highway Act,  
218 or any amendment thereof, then in that event the utility owning  
219 or operating such facilities must ~~shall~~ perform any necessary  
220 work upon notice from the department, and the state must ~~shall~~  
221 pay the entire expense properly attributable to such work after  
222 deducting therefrom any increase in the value of a new facility  
223 and any salvage value derived from an old facility.

224       (b) When a joint agreement between the department and the  
225 utility is executed for utility work to be accomplished as part

226 of a contract for construction of a transportation facility, the  
227 department may participate in those utility work costs that  
228 exceed the department's official estimate of the cost of the  
229 work by more than 10 percent. The amount of such participation  
230 is limited to the difference between the official estimate of  
231 all the work in the joint agreement plus 10 percent and the  
232 amount awarded for this work in the construction contract for  
233 such work. The department may not participate in any utility  
234 work costs that occur as a result of changes or additions during  
235 the course of the contract.

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

241 (d) If the utility facility was initially installed to  
242 exclusively serve the authority or its tenants, or both, the  
243 authority must ~~shall~~ bear the costs of the utility work.  
244 However, the authority is not responsible for the cost of  
245 utility work related to any subsequent additions to that  
246 facility for the purpose of serving others. For a county or  
247 municipality, if such utility facility was installed in the  
248 right-of-way as a means to serve a county or municipal facility  
249 on a parcel of property adjacent to the right-of-way and if the  
250 intended use of the county or municipal facility is for a use

251 other than transportation purposes, the obligation of the county  
252 or municipality to bear the costs of the utility work shall  
253 extend only to utility work on the parcel of property on which  
254 the facility of the county or municipality originally served by  
255 the utility facility is located.

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

266 (f) If the utility is an electric facility being relocated  
267 underground in order to enhance vehicular, bicycle, and  
268 pedestrian safety and in which ownership of the electric  
269 facility to be placed underground has been transferred from a  
270 private to a public utility within the past 5 years, the  
271 department must ~~shall~~ incur all costs of the necessary utility  
272 work.

273 (g) An authority may bear the costs of utility work  
274 required to eliminate an unreasonable interference when the  
275 utility is not able to establish that it has a compensable

property right in the particular property where the utility is located if:

1. The utility was physically located on the particular property before the authority acquired rights in the property;

2. The utility demonstrates that it has a compensable property right in adjacent properties along the alignment of the utility or, after due diligence, certifies that the utility does not have evidence to prove or disprove that it has a compensable property right in the particular property where the utility is located; and

3. The information available to the authority does not establish the relative priorities of the authority's and the utility's interests in the particular property.

(h) If a municipally owned utility or county-owned utility is located in a rural area of opportunity, as defined in s. 288.0656(2), and the department determines that the utility is unable, and will not be able within the next 10 years, to pay for the cost of utility work necessitated by a department project on the State Highway System, the department may pay, in whole or in part, the cost of such utility work performed by the department or its contractor.

(i) If the relocation of utility facilities is necessitated by the construction of a commuter rail service project or an intercity passenger rail service project and the cost of the project is eligible and approved for reimbursement

301 by the Federal Government, then in that event the utility owning  
302 or operating such facilities located by permit on a department-  
303 owned rail corridor must ~~shall~~ perform any necessary utility  
304 relocation work upon notice from the department, and the  
305 department must ~~shall~~ pay the expense properly attributable to  
306 such utility relocation work in the same proportion as federal  
307 funds are expended on the commuter rail service project or an  
308 intercity passenger rail service project after deducting  
309 therefrom any increase in the value of a new facility and any  
310 salvage value derived from an old facility. In no event is ~~shall~~  
311 the state ~~be~~ required to use state dollars for such utility  
312 relocation work. This paragraph does not apply to any phase of  
313 the Central Florida Commuter Rail project, known as SunRail.

314 (j) If a utility is lawfully located within an existing  
315 and valid utility easement granted by recorded plat, regardless  
316 of whether such land was subsequently acquired by the authority  
317 by dedication, transfer of fee, or otherwise, the authority must  
318 bear the cost of the utility work required to eliminate an  
319 unreasonable interference. The authority shall pay the entire  
320 expense properly attributable to such work after deducting any  
321 increase in the value of a new facility and any salvage value  
322 derived from an old facility.

323 (k) If a county or municipal authority requires a provider  
324 of communications services which is subject to chapter 202 to  
325 relocate a facility used to provide such communications

326 services, the service provider owning or operating such facility  
327 must initiate any necessary work upon notice from the authority.  
328 The county or municipal authority requiring such relocation is  
329 not responsible for paying the expense of such work, except as  
330 otherwise provided in this subsection. The service provider may  
331 apply for reimbursement of relocation expenses from the Utility  
332 Relocation Reimbursement Grant Program pursuant to s. 337.4031,  
333 subject to the availability of funds and in compliance with the  
334 requirements of the program. If funds are not available, the  
335 county or municipal authority requiring such relocation remains  
336 not responsible for paying the expense of such work, except as  
337 otherwise provided in this subsection.

338 (4) Notwithstanding paragraph (1)(k), a department shall  
339 notify providers of communications services that are subject to  
340 chapter 202 which have permitted infrastructure within a planned  
341 or existing public right-of-way within 90 days after a project  
342 is added to the department's project schedule which may require  
343 the provider to relocate its infrastructure for roadway  
344 improvements to increase safety or reduce congestion. For  
345 purposes of this subsection, the term "department" means the  
346 Department of Transportation or an agency of the state created  
347 under chapter 348 or chapter 349.

348 (a) The notification provided under this subsection must  
349 include an estimated project schedule and timeline, including  
350 the anticipated year of construction.

351        (b) Within 90 days after receipt of the notification, the  
352 provider shall respond to the department with an estimated  
353 timeframe and project cost for the relocation of the provider's  
354 infrastructure. The response must include a draft relocation  
355 schedule within or adjacent to the existing or planned public  
356 right-of-way.

357        (c) Notwithstanding any other provision of this section,  
358 the department shall provide a reasonable offer for joint  
359 participation in relocation costs, so long as the provider  
360 initiates work within a mutually agreed upon timeframe and, if  
361 the infrastructure relocation is a result of roadway  
362 improvements within the public right-of-way to increase safety  
363 or reduce congestion and the impacted infrastructure was, at the  
364 time of notification under this subsection, installed within the  
365 past 7 state fiscal years, the department must incur at least 50  
366 percent of the costs for relocation work as described in a joint  
367 participation agreement.

368        (d) This subsection may not be construed to prevent a  
369 department from pursuing the additional relocation processes,  
370 agreements, or payment options authorized under this section or  
371 to prevent a provider from using grant funds provided through  
372 other government sources to support all or a portion of the  
373 relocation costs.

374        Section 3. Section 337.4031, Florida Statutes, is created  
375 to read:

376        337.4031 Utility Relocation Reimbursement Grant Program.—

377        (1) There is created within the Department of Commerce the  
378 Utility Relocation Reimbursement Grant Program. The purpose of  
379 the program is to reimburse providers of communications services  
380 which are subject to chapter 202 for eligible costs incurred in  
381 relocating facilities at the request of a county or municipal  
382 authority.

383        (2) Beginning October 1, 2025, the Department of Revenue  
384 shall deposit the proceeds to be distributed to the Department  
385 of Commerce pursuant to s. 212.20(6)(d)2.a. into a separate  
386 account within the Grants and Donations Trust Fund to fund the  
387 Utility Relocation Reimbursement Grant Program.

388        (3) The Department of Commerce shall establish by rule all  
389 of the following:

390        (a) The criteria and process by which service providers  
391 may apply for reimbursement.

392        (b) The minimum documentation required to verify eligible  
393 relocation costs. Such costs must be prudent and reasonable in  
394 order to be eligible for reimbursement.

395        (c) The timeline for application review and reimbursement  
396 disbursement, which may not exceed 90 days from submission.

397        (4) Program funds may be used only to reimburse actual,  
398 documented expenses directly attributable to the physical  
399 relocation of facilities required by a county or municipal  
400 authority. Reimbursement may not be made to a service provider



401 for indirect or administrative costs.

402 (5) Program funds are exempt from s. 215.20 and any  
403 interest earnings shall accrue to the program's fund.

404 (6) The Department of Commerce is authorized to adopt  
405 emergency rules pursuant to s. 120.54(4) to administer and  
406 enforce the provisions of this section.

407 Section 4. Subsection (5) of section 125.42, Florida  
408 Statutes, is amended to read:

409 125.42 Water, sewage, gas, power, telephone, other  
410 utility, and television lines within the right-of-way limits of  
411 county roads and highways.—

412 (5) In the event of widening, repair, or reconstruction of  
413 any such road, the licensee shall move or remove such water,  
414 sewage, gas, power, telephone, and other utility lines and  
415 television lines at no cost to the county should they be found  
416 by the county to be unreasonably interfering, except as provided  
417 in s. 337.403(1)(d)-(k) ~~s. 337.403(1)(d)-(j)~~.

418 Section 5. Paragraph (b) of subsection (2) of section  
419 202.18, Florida Statutes, is amended to read:

420 202.18 Allocation and disposition of tax proceeds.—The  
421 proceeds of the communications services taxes remitted under  
422 this chapter shall be treated as follows:

423 (2) The proceeds of the taxes remitted under s.  
424 202.12(1)(b) shall be allocated as follows:

425 (b) Fifty-five and nine-tenths percent of the remainder

shall be allocated to the state and distributed pursuant to s. 212.20(6), except that the proceeds allocated pursuant to s. 212.20(6)(d)2.b. ~~s. 212.20(6)(d)2.~~ shall be prorated to the participating counties in the same proportion as that month's collection of the taxes and fees imposed pursuant to chapter 212 and paragraph (1)(b).

Section 6. Paragraph (a) of subsection (3) of section 212.181, Florida Statutes, is amended to read:

212.181 Determination of business address situs, distributions, and adjustments.—

(3)(a) For distributions made pursuant to ss. 125.0104 and 212.20(6)(a), (b), and (d)2.b. ~~(d)2.~~, misallocations occurring solely due to the assignment of an address to an incorrect county will be corrected prospectively only from the date the department is made aware of the misallocation, subject to the following:

1. If the county that should have received the misallocated distributions followed the notification and timing provisions in subsection (2) for the affected periods, such misallocations may be adjusted by prorating current and future distributions for the period the misallocation occurred, not to exceed 36 months from the date the department is made aware of the misallocation.

2. If the county that received the misallocated distribution followed the notification and timing provisions in

subsection (2) for the affected periods and the county that should have received the misallocation did not, the correction shall apply only prospectively from the date the department is made aware of the misallocation.

Section 7. Subsection (5) of section 218.65, Florida Statutes, is amended to read:

218.65 Emergency distribution.—

(5) At the beginning of each fiscal year, the Department of Revenue shall calculate a base allocation for each eligible county equal to the difference between the current per capita limitation times the county's population, minus prior year ordinary distributions to the county pursuant to ss. 212.20(6)(d)2.b. ~~212.20(6)(d)2.~~, 218.61, and 218.62. If moneys deposited into the Local Government Half-cent Sales Tax Clearing Trust Fund pursuant to s. 212.20(6)(d)3., excluding moneys appropriated for supplemental distributions pursuant to subsection (8), for the current year are less than or equal to the sum of the base allocations, each eligible county shall receive a share of the appropriated amount proportional to its base allocation. If the deposited amount exceeds the sum of the base allocations, each county shall receive its base allocation, and the excess appropriated amount, less any amounts distributed under subsection (6), shall be distributed equally on a per capita basis among the eligible counties.

Section 8. The Legislature finds and declares that this

476     act fulfills an important state interest.

477             Section 9. From the funds distributed to the Department of  
478 Commerce pursuant to s. 212.20(6)(d)2.a., Florida Statutes, and  
479 for the 2025-2026 fiscal year, the sum of \$50 million in  
480 nonrecurring funds is appropriated from the Grants and Donations  
481 Trust Fund within the Department of Commerce for the Utility  
482 Relocation Reimbursement Grant Program pursuant to s. 337.4031,  
483 Florida Statutes.

484             Section 10. This act shall take effect October 1, 2025.