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1
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

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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

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212.20, Florida Statutes, is amended to read:

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

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

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

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

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

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

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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

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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

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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.

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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

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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

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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 must ~~shall~~, within 30 days after ~~upon 30 days~~ written notice to the utility or its agent by the authority, initiate the work necessary to alleviate the interference at its own expense except as provided in paragraphs (a)-(k) ~~(a)-(j)~~. The work must be completed within such reasonable time as stated in the notice or such time as 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. 84-627, 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 must ~~shall~~ perform any necessary work upon notice from the department, and the state must ~~shall~~ pay the entire expense properly attributable to such work after deducting therefrom any increase in the value of a new facility and any salvage value derived from an old facility.

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

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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

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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

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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

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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

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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.

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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:

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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

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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

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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

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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

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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.