

Committee on Regulated Industries

CS/HB 703 — Utility Relocation

by Commerce Committee and Rep. Robinson, W. and others (CS/CS/CS/SB 818 by Appropriations Committee; Rules Committee; Transportation Committee; and Senator McClain)

The bill amends the process under which utilities located within the right-of-way of a public road or publicly-owned rail corridor must be relocated when such utility is found by an authority (Florida Department of Transportation (FDOT) and local government entities) to be unreasonably 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 general requirement is that utility owners must pay for such relocation.

The bill creates the Utility Relocation Reimbursement Grant Program (grant program) within the Department of Commerce (DCM) to reimburse providers of communications services which are subject to the state's communications services tax provisions (service provider), for relocation expenses directly attributable to the physical relocation of facilities required by a county or municipal authority. The grant program is funded by a transfer of the tax remitted under s. 218.61, F.S., (the Local Government Half-cent Sales Tax program). Specifically, the bill authorizes the Department of Revenue to distribute, by a nonoperating transfer in monthly installment, \$50 million of the state communications services tax that gets distributed to counties and municipalities pursuant to the Local Government Half-cent Sales Tax program to the DCM. The remainder of the funds transfer to the Local Government Half-cent Sales Tax Clearing Trust Fund, with 0.1018 percent distributed to the Public Employees Relations Commission (PERC). The bill directs the transfer to the PERC to begin October 1, 2025.

Service providers may apply to the grant program for reimbursement of expenses relating to the relocation of facilities required by a county or municipal authority. Reimbursement from the grant program is subject to funds availability. If the grant program lacks the funds to pay for such relocation, the county or municipal authority requiring the relocation remains not responsible for paying the expense of such relocation work, except as otherwise provided in the state's existing utility relocation law in s. 337.403(1), F.S.

The bill also revises the process for communications services providers that have permitted infrastructure within a planned or existing public right-of-way within 90 days after a project is added to the department's project schedule which may require the provider to relocate its infrastructure for roadway improvements to increase safety or reduce congestion. "Department" in the bill is defined as FDOT and the Greater Miami, Tampa, and Central Florida Expressway Authorities and the Jacksonville Transportation Authority. In addition to revising notification requirements, the bill requires—if the infrastructure relocation is a result of roadway improvements within the public right-of-way to increase safety or reduce congestion and the impacted infrastructure was, at the time of notification under this subsection, installed within the past seven state fiscal years—that the department incur at least 50 percent of the cost of the relocation.

The bill provides a legislative finding and declaration that the bill fulfills an important state interest. The bill also provides an appropriation of \$50 million in nonrecurring funds from the DCM's Grants and Donations Trust Fund for the grant program for Fiscal Year 2025-2026.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect October 1, 2025.

Vote: Senate 37-0; House 106-0