

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Robinson, W. offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Paragraph (d) of subsection (6) of section 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:

499299

Approved For Filing: 4/23/2025 2:31:56 PM

Amendment No.

(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 Grant Program created in s. 337.4031; and

b. The remainder shall be transferred into the Local Government Half-cent Sales Tax Clearing Trust Fund. Beginning October 1, 2025 ~~July 1, 2003~~, the amount to be transferred shall be reduced by 0.1018 ~~0.1~~ percent, and the department shall distribute this amount to the Public Employees Relations

499299

Approved For Filing: 4/23/2025 2:31:56 PM

Amendment No.

Commission Trust Fund less \$5,000 each month, which shall be added to the amount calculated in subparagraph 3. and distributed accordingly.

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

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

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

499299

Approved For Filing: 4/23/2025 2:31:56 PM

Amendment No.

Trust Fund in state fiscal year 1999-2000, each municipality shall receive an amount proportionate to the amount it was due in state fiscal year 1999-2000.

6. Of the remaining proceeds:

a. In each fiscal year, the sum of \$29,915,500 shall be divided into as many equal parts as there are counties in the state, and one part shall be distributed to each county. The distribution among the several counties must begin each fiscal year on or before January 5th and continue monthly for a total of 4 months. If a local or special law required that any moneys accruing to a county in fiscal year 1999-2000 under the then-existing provisions of s. 550.135 be paid directly to the district school board, special district, or a municipal government, such payment must continue until the local or special law is amended or repealed. The state covenants with holders of bonds or other instruments of indebtedness issued by local governments, special districts, or district school boards before July 1, 2000, that it is not the intent of this subparagraph to adversely affect the rights of those holders or relieve local governments, special districts, or district school boards of the duty to meet their obligations as a result of previous pledges or assignments or trusts entered into which obligated funds received from the distribution to county governments under then-existing s. 550.135. This distribution

499299

Approved For Filing: 4/23/2025 2:31:56 PM

Amendment No.

specifically is in lieu of funds distributed under s. 550.135 before July 1, 2000.

b. The department shall distribute \$166,667 monthly to each applicant certified as a facility for a new or retained professional sports franchise pursuant to s. 288.1162. Up to \$41,667 shall be distributed monthly by the department to each certified applicant as defined in s. 288.11621 for a facility for a spring training franchise. However, not more than \$416,670 may be distributed monthly in the aggregate to all certified applicants for facilities for spring training franchises. Distributions begin 60 days after such certification and continue for not more than 30 years, except as otherwise provided in s. 288.11621. 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. 288.1162(5) or s. 288.11621(3).

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

499299

Approved For Filing: 4/23/2025 2:31:56 PM

Amendment No.

111 training franchise or not more than 25 years to each certified
112 applicant as defined in s. 288.11631 for a facility used by more
113 than one spring training franchise. A certified applicant
114 identified in this sub-subparagraph may not receive more in
115 distributions than expended by the applicant for the public
116 purposes provided in s. 288.11631(3).

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

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

130 (II) Beginning July 2022, and on or before the 25th day of
131 each month, the department shall distribute \$90 million monthly
132 to the Unemployment Compensation Trust Fund.

133 (III) If the ending balance of the Unemployment
134 Compensation Trust Fund exceeds \$4,071,519,600 on the last day
135 of any month, as determined from United States Department of the

499299

Approved For Filing: 4/23/2025 2:31:56 PM

Amendment No.

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 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

499299

Approved For Filing: 4/23/2025 2:31:56 PM

Amendment No.

161 the work necessary to alleviate the interference at its own
162 expense except as provided in paragraphs (a)-(k) ~~(a)-(j)~~. The
163 work must be completed within such reasonable time as stated in
164 the notice or such time as agreed to by the authority and the
165 utility owner.

166 (a) If the relocation of utility facilities, as referred
167 to in s. 111 of the Federal-Aid Highway Act of 1956, Pub. L. No.
168 84-627, is necessitated by the construction of a project on the
169 federal-aid interstate system, including extensions thereof
170 within urban areas, and the cost of the project is eligible and
171 approved for reimbursement by the Federal Government to the
172 extent of 90 percent or more under the Federal-Aid Highway Act,
173 or any amendment thereof, then in that event the utility owning
174 or operating such facilities must ~~shall~~ perform any necessary
175 work upon notice from the department, and the state must ~~shall~~
176 pay the entire expense properly attributable to such work after
177 deducting therefrom any increase in the value of a new facility
178 and any salvage value derived from an old facility.

179 (b) When a joint agreement between the department and the
180 utility is executed for utility work to be accomplished as part
181 of a contract for construction of a transportation facility, the
182 department may participate in those utility work costs that
183 exceed the department's official estimate of the cost of the
184 work by more than 10 percent. The amount of such participation
185 is limited to the difference between the official estimate of

499299

Approved For Filing: 4/23/2025 2:31:56 PM

Amendment No.

186 all the work in the joint agreement plus 10 percent and the
187 amount awarded for this work in the construction contract for
188 such work. The department may not participate in any utility
189 work costs that occur as a result of changes or additions during
190 the course of the contract.

191 (c) When an agreement between the department and utility
192 is executed for utility work to be accomplished in advance of a
193 contract for construction of a transportation facility, the
194 department may participate in the cost of clearing and grubbing
195 necessary to perform such work.

196 (d) If the utility facility was initially installed to
197 exclusively serve the authority or its tenants, or both, the
198 authority must ~~shall~~ bear the costs of the utility work.
199 However, the authority is not responsible for the cost of
200 utility work related to any subsequent additions to that
201 facility for the purpose of serving others. For a county or
202 municipality, if such utility facility was installed in the
203 right-of-way as a means to serve a county or municipal facility
204 on a parcel of property adjacent to the right-of-way and if the
205 intended use of the county or municipal facility is for a use
206 other than transportation purposes, the obligation of the county
207 or municipality to bear the costs of the utility work shall
208 extend only to utility work on the parcel of property on which
209 the facility of the county or municipality originally served by
210 the utility facility is located.

499299

Approved For Filing: 4/23/2025 2:31:56 PM

Amendment No.

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

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

(g) An authority may bear the costs of utility work required to eliminate an unreasonable interference when the 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;

499299

Approved For Filing: 4/23/2025 2:31:56 PM

Amendment No.

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

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

244 (h) If a municipally owned utility or county-owned utility
245 is located in a rural area of opportunity, as defined in s.
246 288.0656(2), and the department determines that the utility is
247 unable, and will not be able within the next 10 years, to pay
248 for the cost of utility work necessitated by a department
249 project on the State Highway System, the department may pay, in
250 whole or in part, the cost of such utility work performed by the
251 department or its contractor.

252 (i) If the relocation of utility facilities is
253 necessitated by the construction of a commuter rail service
254 project or an intercity passenger rail service project and the
255 cost of the project is eligible and approved for reimbursement
256 by the Federal Government, then in that event the utility owning
257 or operating such facilities located by permit on a department-
258 owned rail corridor must ~~shall~~ perform any necessary utility
259 relocation work upon notice from the department, and the

499299

Approved For Filing: 4/23/2025 2:31:56 PM

Amendment No.

department must ~~shall~~ pay the expense properly attributable to such utility relocation work in the same proportion as federal funds are expended on the commuter rail service project or an intercity passenger rail service project after deducting therefrom any increase in the value of a new facility and any salvage value derived from an old facility. In no event is ~~shall~~ the state ~~be~~ required to use state dollars for such utility relocation work. This paragraph does not apply to any phase of the Central Florida Commuter Rail project, known as SunRail.

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

(k) If a county or municipal authority requires a provider of communications services which is subject to chapter 202 to relocate a facility used to provide such communications services, the service provider owning or operating such facility must initiate any necessary work upon notice from the authority. The county or municipal authority requiring such relocation is not responsible for paying the expense of such work, except as

499299

Approved For Filing: 4/23/2025 2:31:56 PM

Amendment No.

otherwise provided in this subsection. The service provider may apply for reimbursement of relocation expenses from the Utility Relocation Reimbursement Grant Program pursuant to s. 337.4031, subject to the availability of funds and in compliance with the requirements of the program. If funds are not available, the county or municipal authority requiring such relocation remains not responsible for paying the expense of such work, except as otherwise provided in this subsection.

(4) Notwithstanding paragraph (1)(k), a department shall notify providers of communications services that are subject to chapter 202 which 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. For purposes of this subsection, the term "department" means the Department of Transportation or an agency of the state created under chapter 348 or chapter 349.

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

(b) Within 90 days after receipt of the notification, the provider shall respond to the department with an estimated timeframe and project cost for the relocation of the provider's infrastructure. The response must include a draft relocation

499299

Approved For Filing: 4/23/2025 2:31:56 PM

Amendment No.

schedule within or adjacent to the existing or planned public right-of-way.

(c) Notwithstanding any other provision of this section, the department shall provide a reasonable offer for joint participation in relocation costs, so long as the provider initiates work within a mutually agreed upon timeframe and, 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 7 state fiscal years, the department must incur at least 50 percent of the costs for relocation work as described in a joint participation agreement.

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

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

337.4031 Utility Relocation Reimbursement Grant Program.—

(1) There is created within the Department of Commerce the Utility Relocation Reimbursement Grant Program. The purpose of the program is to reimburse providers of communications services

499299

Approved For Filing: 4/23/2025 2:31:56 PM

Amendment No.

335 which are subject to chapter 202 for eligible costs incurred in
336 relocating facilities at the request of a county or municipal
337 authority.

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

343 (3) The Department of Commerce shall establish by rule all
344 of the following:

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

347 (b) The minimum documentation required to verify eligible
348 relocation costs. Such costs must be prudent and reasonable in
349 order to be eligible for reimbursement.

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

352 (4) Program funds may be used only to reimburse actual,
353 documented expenses directly attributable to the physical
354 relocation of facilities required by a county or municipal
355 authority. Reimbursement may not be made to a service provider
356 for indirect or administrative costs.

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

499299

Approved For Filing: 4/23/2025 2:31:56 PM

Amendment No.

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

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

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

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

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

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

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

(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

499299

Approved For Filing: 4/23/2025 2:31:56 PM

Amendment No.

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

499299

Approved For Filing: 4/23/2025 2:31:56 PM

Amendment No.

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 act fulfills an important state interest.

499299

Approved For Filing: 4/23/2025 2:31:56 PM

Amendment No.

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

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

T I T L E A M E N D M E N T

Remove everything before the enacting clause and insert:

A bill to be entitled

An act relating to utility relocation; amending s. 212.20, F.S.; requiring that a specified amount of communications services tax remittances be distributed by the Department of Revenue 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 Grant Program; revising the percentage by which a certain amount transferred into the Local Government Half-cent Sales Tax Clearing Trust Fund must be reduced, beginning on a certain date; amending s. 337.403, F.S.; requiring a service provider to initiate communications services facility

499299

Approved For Filing: 4/23/2025 2:31:56 PM

Amendment No.

relocation work under certain circumstances;
specifying that a county or municipal authority is not
responsible for paying the expense properly
attributable to such work except as otherwise
provided; authorizing a service provider to apply to
the Utility Relocation Reimbursement Grant Program for
reimbursement of relocation expenses; requiring a
department to notify certain providers of
communications services of certain projects within a
specified timeframe; defining the term "department";
providing notification requirements; requiring a
provider to respond to the notification with certain
information within a specified timeframe; requiring
the department to provide a reasonable offer for joint
participation in certain relocation costs under
certain conditions; providing construction; creating
s. 337.4031, F.S.; creating the Utility Relocation
Reimbursement Grant Program within the Department of
Commerce; providing the purpose of the program;
requiring the Department of Revenue to deposit certain
proceeds into a specified trust fund to fund the
program beginning on a certain date; requiring the
Department of Commerce to establish program
requirements by rule; authorizing only certain uses of
program funds; exempting program funds from a certain

499299

Approved For Filing: 4/23/2025 2:31:56 PM

Amendment No.

482 service charge; providing that interest earned on
483 program funds accrues to the program's fund;
484 authorizing emergency rulemaking; amending ss. 125.42,
485 202.18, 212.181, and 218.65, F.S.; conforming cross-
486 references; providing a finding and declaration of
487 important state interest; providing an appropriation;
488 providing an effective date.

499299

Approved For Filing: 4/23/2025 2:31:56 PM