

# FLORIDA HOUSE OF REPRESENTATIVES BILL ANALYSIS

*This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.*

**BILL #:** [HB 703](#)

**TITLE:** Utility Relocation

**SPONSOR(S):** Robinson, W.

**COMPANION BILL:** [SB 818](#) (McClain)

**LINKED BILLS:** None

**RELATED BILLS:** None

## Committee References

[Economic Infrastructure](#)

18 Y, 0 N



[Commerce](#)

## SUMMARY

### Effect of the Bill:

The bill modifies the process under which utility owners must relocate facilities located in a public right-of-way by:

- Requiring utility owners, within 30 days after written notice from a public right-of-way authority, to submit a “reasonable” schedule for relocation of their facilities located within the right-of-way;
- Extending the time allowed for utility owners to begin relocation work from 30 days to 60 days; and
- For relocation of utilities used to provide broadband Internet, cable, and video service, shifting cost responsibility from the utility owner to the right-of-way authority that requires such relocation.

### Fiscal or Economic Impact:

The bill will have an indeterminate but likely significant negative impact on state and local government expenditures.

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## ANALYSIS

### **EFFECT OF THE BILL:**

The bill modifies the process under which [utilities](#) located within the right-of-way (ROW) limits of any public road or publicly owned rail corridor must be relocated upon request of the government entity that has jurisdiction and control over the road or rail corridor. These government entities, referred to as “authorities,” include the Department of Transportation and local governments.

Specifically, the bill requires a utility owner, within 30 days after written notice from an authority that the utility is interfering with the use, maintenance, improvement, extension, or expansion of a public road or rail corridor, to provide the authority with a reasonable relocation schedule to expedite completion of the authority’s construction of maintenance project. The bill extends the time allowed for a utility owner to initiate work to alleviate the interference from 30 days after written notice to 60 days after written notice from the authority.

The bill also creates an exception to the general requirement that the utility owner is responsible for the expense of relocating its utilities. If an authority requires a provider of broadband Internet<sup>1</sup>, cable, or video service<sup>2</sup> to relocate a utility used to provide such service, the bill provides that the utility owner must perform the necessary work but that the authority must pay the entire expense attributable to the work. (Section [1](#))

The bill amends a cross-reference to conform to these changes. (Section [2](#))

<sup>1</sup> The bill provides that “broadband Internet service” has the same meaning as provided in [s. 288.9961\(2\), F.S.](#), which defines the term as “a service that offers a connection to the Internet with a capacity for transmission at a consistent speed of at least 25 megabits per second downstream and 3 megabits per second upstream.”

<sup>2</sup> The bill provides that “cable service provider” and “video service provider” have the same meaning as provided in [s. 610.103, F.S.](#)

**STORAGE NAME:** h0703a.EIS

**DATE:** 3/13/2025

The effective date of the bill is July 1, 2025. (Section [3](#))

## **FISCAL OR ECONOMIC IMPACT:**

### **STATE GOVERNMENT:**

The bill will have an indeterminate but likely significant negative impact on state government expenditures associated with transportation projects due to the transfer of cost responsibility for relocation of broadband Internet, cable, and video service facilities located within the right-of-way limits of roads and rail corridors under the jurisdiction and control of the Department of Transportation.<sup>3</sup>

### **LOCAL GOVERNMENT:**

The bill will have an indeterminate but likely significant negative impact on local government expenditures associated with transportation projects due to the transfer of cost responsibility for relocation of broadband Internet, cable, and video service facilities located within the right-of-way limits of roads and rail corridors under the jurisdiction and control of local government entities.

### **PRIVATE SECTOR:**

The bill will eliminate facility relocation costs for providers of broadband Internet, cable, and video service when such facilities are located within the right-of-way limits of roads and rail corridors under the jurisdiction and control of the Department of Transportation or a local government entity.

## **RELEVANT INFORMATION**

### **SUBJECT OVERVIEW:**

#### Utility Use of the Public Right-of-Way

The Department of Transportation (DOT) and each local government that has jurisdiction and control of public roads or publicly owned rail corridors is authorized to prescribe and enforce reasonable rules or regulations related to placing and maintaining utility facilities across, on, or within the right-of-way (ROW) limits of any road or publicly owned rail corridors under its jurisdiction. Each of these types of government entities is individually referred to as an “authority” when acting in this capacity.<sup>4</sup>

Each ROW authority may authorize any person who is a resident of this state, or any corporation organized under the laws of this state or licensed to do business within this state, to use a public ROW for a utility in accordance with the authority’s rules or regulations. For purposes of obtaining such use, [a “utility” includes:](#)

- Electric transmission lines
- Voice, telegraph, data, or other communications services lines
- Wireless facilities
- Poles and pole lines
- Railways
- Ditches
- Sewers
- Water, heat, or gas mains
- Pipelines
- Fences
- Gasoline tanks and pumps
- Any other structures referred to in ss. 337.401–337.404, F.S.<sup>5</sup>

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<sup>3</sup> An agency analysis of this bill was requested from the Department of Transportation on March 4, 2025, and as of the date of publication has not been received.

<sup>4</sup> S. [337.401\(1\), F.S.](#)

<sup>5</sup> *Id.*

A utility may not be installed, located, or relocated within a public ROW unless authorized by a written permit. However, for public roads or publicly owned rail corridors under DOT's jurisdiction, a utility relocation schedule and relocation agreement may be executed in lieu of a written permit.<sup>6</sup>

If a public ROW authority finds that a utility placed within the ROW limits of a public road or publicly owned rail corridor is unreasonably interfering in any way with the use, maintenance, improvement, extension, or expansion of the road or rail corridor, it must notify the utility or its agent in writing. Within 30 days of such notice, the utility owner must initiate the work necessary to alleviate the interference at its own expense.<sup>7</sup> The work must be completed within a reasonable time as stated in the notice or a time agreed to by the authority and utility owner.<sup>8</sup>

Additional Relevant Information

Art. VII, s. 18(a), of the Florida Constitution states that a county or municipality is not bound by a general law that requires the county or municipality to spend funds or to take an action requiring the expenditure of funds unless the legislature has determined that such law fulfills an important state interest and:

- Funds are appropriated to cover the estimated expenditure;
- The legislature provides authority for the county or municipality, by a simply majority vote, to enact a funding source not available for such county or municipality on February 1, 1989, that can be used to generate funds to cover the estimated expenditure;
- The law requiring the expenditure is approved by two-thirds of the membership in each house of the legislature;
- The expenditure is required to comply with a law that applies to all persons similarly situated, including the state and local governments; or
- The law is required to comply with a federal requirement or required for eligibility for a federal entitlement, which federal requirement specifically contemplates actions by counties or municipalities for compliance.

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**BILL HISTORY**

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
<a href="#">Economic Infrastructure Subcommittee</a> <a href="#">Commerce Committee</a>	18 Y, 0 N	3/12/2025	Keating	Bauldree

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<sup>6</sup> S. [337.401\(2\), F.S.](#)

<sup>7</sup> S. [337.401\(1\), F.S.](#) This law provides a list of specific scenarios in which responsibility for relocation expenses is modified.

<sup>8</sup> *Id.*