

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Appropriations

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BILL: CS/CS/CS/SB 818

INTRODUCER: Appropriations Committee, Rules Committee, Transportation Committee, and Senator McClain

SUBJECT: Utility Relocation

DATE: April 23, 2025

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Scharader</u>	<u>Imhof</u>	<u>RI</u>	<b>Favorable</b>
2.	<u>Johson</u>	<u>Vickers</u>	<u>TR</u>	<b>Fav/CS</b>
3.	<u>Shrader</u>	<u>Yeatman</u>	<u>RC</u>	<b>Fav/CS</b>
4.	<u>Sanders</u>	<u>Sadberry</u>	<u>AP</u>	<b>Fav/CS</b>

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/CS/CS/SB 818 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 a grant program within the Department of Commerce (DCM), funded by a portion of local communications services tax revenue, to reimburse providers of communications services which are subject to the state's communications services tax provisions (ch. 202, F.S.), for relocation expenses directly attributable to the physical relocation of facilities required by a county or municipal authority. The bill provides a funding mechanism for the Utility Relocation Reimbursement Grant Program (grant program) established by the bill. If this grant program lacks the funds to pay for such relocation, the burden to pay for such relocation is not shifted to the county or municipal authority, except as otherwise provided.

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. In addition to revising notification requirements, the bill requires, for certain relocations, that the department incur at least 50 percent of the cost of the relocation. The department is defined as FDOT and the Greater Miami, Tampa, and Central Florida Expressway Authorities and the Jacksonville Transportation Authority.

The bill provides a legislative finding and declaration that the bill fulfills an important state interest.

The bill has an indeterminate significant impact to state and local municipalities and governments. See Section V, Fiscal Statement.

The bill is effective October 1, 2025.

## **II. Present Situation:**

### **Utility Use of Right of Way**

Florida law authorizes an authority, defined as the Florida Department of Transportation (FDOT) and local governmental entities,<sup>1</sup> with jurisdiction and control of public roads or publicly-owned rail corridors to prescribe and enforce reasonable rules or regulations regarding the placement and maintenance of utilities within their rights-of-way.<sup>2</sup> For the purposes of this provision, the term “utility” is defined to mean electric transmission, voice, telegraph, data, or other communications services lines or wireless facilities; pole lines; poles; railways; ditches; sewers; water, heat, or gas mains; pipelines; fences; gasoline tanks and pumps; or other structures.<sup>3</sup>

An authority may grant such a utility the use of its right-of-way in accordance with its rules or regulations. A utility may not be installed, located, or relocated unless authorized by an authority-issued permit. However, for roads or rail corridors under FDOT’s jurisdiction, in lieu of a written permit, a utility relocation schedule and relocation agreement may be executed. A utility permit must require that the permitholder is responsible for any damage resulting from the issuance of such permit.<sup>4</sup>

### **Payment for Moving or Removing Utilities and Exceptions**

Section 337.403(1), F.S., requires utilities to bear the cost of relocating utilities placed upon, under, over, or within the right-of-way limits of any public road or publicly-owned rail corridor which is found by the authority to be unreasonably interfering in any way with the convenient,

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<sup>1</sup> Section 334.03(13), F.S., defines the term “local governmental entity” to mean a unit of government with less than statewide jurisdiction, or any officially designated public agency or authority of such a unit of government, that has the responsibility for planning, construction, operation, or maintenance of, or jurisdiction over, a transportation facility; the term includes, but is not limited to, a county, an incorporated municipality, a metropolitan planning organization, an expressway or transportation authority, a road and bridge district, a special road and bridge district, and a regional governmental unit.

<sup>2</sup> Section 337.401(1)(a), F.S. Section 334.03(21), F.S., defines the term “right-of-way” to mean land in which the state, the department, a county, or a municipality owns the fee or has an easement devoted to or required for use as a transportation facility.

<sup>3</sup> *Id.*

<sup>4</sup> Section 337.401(2), F.S.

safe, or continuous use, or the maintenance, improvement, extension, or expansion, of such public road or publicly-owned rail corridor. The requirements of s. 337.403(1), F.S., apply even if the utility is within a public utility easement and the utility owner has a franchise agreement with the authority, absent some other agreement to the contrary regarding costs of relocation.<sup>5</sup> Utility owners, upon 30 days' written notice, must eliminate the unreasonable interference within a reasonable time or an agreed time, at their own expense. Numerous exceptions are provided to this provision, and are located in s. 337.403(1)(a)-(j), F.S.

### **Communications Services Tax**

Chapter 202, F.S., is the Communications Services Tax (CST) Simplification Law. The term "communications services" means the transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals, including video services, to a point, or between or among points, by or through any electronic, radio, satellite, cable, optical, microwave, or other medium or method, regardless of the protocol used for such transmission or conveyance.<sup>6</sup>

Section 202.105, F.S., provides the legislative findings and intent related to enactment of the CST simplification law. The law simplified an extremely complicated state and local tax and fee system, by restructuring separate taxes and fees into a revenue-neutral CST centrally administered by the Department of Revenue (DOR), i.e. a single tax to replace multiple taxes and fees previously imposed. Among the Legislature's stated intentions in creating the CST was that it not reduce the authority that municipalities or counties had to raise revenue in the aggregate, as such authority existed on February 1, 1989.

The state CST rate, except for direct-to-home satellite service, is 4.92 percent.<sup>7</sup> Local governments may also levy a discretionary CST:

- Charter counties and municipalities may levy the CST at a rate of up to 5.1 percent for municipalities and charter counties that have not chosen to levy permit fees, and at a rate of up to 4.98 percent for municipalities and charter counties that have chosen to levy permit fees; and
- Noncharter counties may levy the CST at a rate of up to 1.6 percent.<sup>8</sup>

These maximum rates do not include the add-ons, pursuant to s. 337.401, F.S., of up to 0.12 percent for municipalities and charter counties or of up to 0.24 percent for noncharter counties, if those local governments have elected not to require right-of-way permit fees.<sup>9</sup>

The local discretionary CST and add-on rates, if applicable, constitute the total local adopted rate.<sup>10</sup>

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<sup>5</sup> *Lee County Electric Coop., Inc. v. City of Cape Coral*, 159 So. 3d 126, 130 (Fla. 2d DCA 2014).

<sup>6</sup> Section 202.11(1), F.S. Excluded from this definition is information services; installation or maintenance of wiring or equipment on a customer's premises; the sale or rental of tangible personal property; the sale of advertising, including, but not limited to, directory advertising; bad check charges; late payment charges; billing and collection services; and Internet access service, electronic mail service, electronic bulletin board service, or similar online computer services.

<sup>7</sup> Section 202.12(1)(a) and (b), F.S.

<sup>8</sup> Section 202.19, F.S.

<sup>9</sup> Section 337.401(3)(c), F.S.

<sup>10</sup> Florida Department of Revenue, *2023 Agency Legislative Bill Analysis for SB 1432*, (Mar. 14, 2023) (on file with the Senate Committee on Regulated Industries).

The local CST includes and is in lieu of any fee or other consideration, including, but not limited to, application fees, transfer fees, renewal fees, or claims for related costs, to which the municipality or county is otherwise entitled for granting permission to dealers of communications services to use or occupy its roads or rights-of-way for the placement, construction, and maintenance of poles, wires, and other fixtures used in the provision of communications services.<sup>11</sup> Additionally, the term “replaced revenue sources” includes permit fees relating to use of rights-of-way collected from communication services providers; however, if a municipality or charter county elects the option to charge permit fees pursuant to s. 337.401(3)(c), F.S., such fees are not be included as a replaced revenue source.<sup>12</sup>

Under s. 202.19(5), F.S., any discretionary sales surtax levied by a county or school board under s. 212.055, F.S., is imposed as a local CST. This surtax is added to the adopted local rate at the respective conversion rate, as determined in accordance with methodology and chart in s. 202.20(3), F.S. However, any increase to the discretionary sales surtax levied under s. 212.055, F.S., on or after January 1, 2023, may not be added to the local communications services tax under this s. 202.19, F.S., before January 1, 2026.

The total local CST rate is the total adopted rate plus the local option tax (at the converted rate), if applicable. The total local CST rates vary by jurisdiction.

### **Broadband Services**

Broadband (or high-speed Internet) services allow users to access Internet and Internet-related services at speeds significantly higher than could be provided by traditional dial-up Internet services. The speeds that can be obtained through broadband service can vary significantly based on a number of factors including the technology used by the provider, infrastructure in place to provide service to a particular end user by that provider, and the level of broadband service ordered by that end user.<sup>13</sup>

Types of broadband generally available include:

- Digital Subscriber Line (DSL), which is a wireline transmission technology that allows data to be transmitted faster over copper-based telephone wires already installed in end-user locations.
- Cable modem, which is a type of broadband provided through the same coaxial cable that delivers an end user’s cable television service.
- Fiber, which is a fiber optic technology that converts to light electrical signals that carry data. This light is then sent through transparent glass fibers (these fibers are about the same diameter as a human hair). Fiber can transmit data at speeds far exceeding current DSL or cable modem speeds.
- Wireless (WiFi), which is a technology that connects end-user devices to internet services through short-range wireless technology. Public “hotspots” use this technology. In addition,

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<sup>11</sup> Section 202.19(3)(a), F.S.

<sup>12</sup> Section 202.20(2)(b)1.e, F.S.

<sup>13</sup> Federal Communications Commission, *Getting Broadband Q&A*, <https://www.fcc.gov/consumers/guides/getting-broadband-qa> (last accessed April 16, 2025).

fixed wireless technologies with longer-range directional equipment can also be used to provide broadband service in sparsely populated or remote areas too costly to provide other types of broadband. Mobile wireless services are also available from mobile broadband service providers—however, this type of service is generally slower than wired or fixed wireless services.

- Satellite, which is essentially another type of wireless broadband, where an end user receives broadband service connection through a fixed satellite mounted at their location transmitting data to a satellite internet modem. This type of connection, which requires a clear line of sight to the provider’s satellite, can be useful as well in providing broadband service to remote or sparsely populated areas.<sup>14</sup>

### **Broadband in Florida**

Section 288.9961, F.S., establishes the Florida Office of Broadband within the Division of Community Development within the Florida Department of Commerce (DCM). The Office of Broadband “works with local and state government agencies, community organizations and private businesses to increase the availability and effectiveness of broadband internet throughout the state, specifically in small and rural communities.”<sup>15</sup> The section defines “broadband internet service” 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 (mbps) downstream and three mbps upstream (25/3 mbps service). This 25/3 mbps service benchmark to be defined as broadband service was the same as that used by the Federal Communications Commission (FCC) since 2015. However, in 2024, the FCC increased that standard to 100 mbps downstream and 20 mbps upstream.<sup>16</sup>

Currently, 91.8 percent of Floridians have access to 25/3 mbps service. Presently, there are 229 internet service providers in Florida,<sup>17</sup> including investor-owned companies and cooperative electric utilities.<sup>18</sup>

### **Cable and Video Services in Florida**

Section 610.102, F.S., provides that the Florida Department of State is the franchising authority for state-issued franchises for the provision of cable or video service. The section provides that municipalities and counties may not grant new franchises for the provision of cable or video services within their jurisdictions. Section 610.103, F.S., which provides the definitions for ch. 610, F.S., defines:

- “Cable service” as the one-way transmission to subscribers of video programming or any other programming service and the subscriber interaction, if any, required for the selection or use of such service.

<sup>14</sup> *Id.*

<sup>15</sup> Florida Department of Commerce, *Office of Broadband*, <https://www.floridajobs.org/community-planning-and-development/broadband/office-of-broadband> (last visited April 16, 2025).

<sup>16</sup> Federal Communications Commission, *FCC Increases Broadband Speed Benchmark*, (Mar. 14, 2024) <https://docs.fcc.gov/public/attachments/DOC-401205A1.pdf>.

<sup>17</sup> Broadband Now, *Internet Service Providers in Florida*, <https://broadbandnow.com/Florida> (last accessed April 16, 2025).

<sup>18</sup> Section 425.04, F.S., provides that rural electric cooperatives may engage in the provision of broadband, pursuant to the requirement in s. 364.391, F.S. Section 364.391, F.S., provides that if a cooperative engages in the provision of broadband, all poles owned by the cooperative are subject to regulation under s. 366.04(8), F.S., on the same basis as if that cooperative were a public utility under that subsection.

- “Cable service provider” as a person that provides cable service over a cable system.
- “Cable system” as a facility consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service that includes video programming and that is provided to multiple subscribers within a community.<sup>19</sup>
- “Video service” as video programming services, including cable services, provided through wireline facilities located at least in part in the public rights-of-way without regard to delivery technology, including Internet protocol technology.<sup>20</sup>
- “Video service provider” as an entity providing video service.

### III. Effect of Proposed Changes:

**Section 1** of the bill amends s. 202.20, F.S., to establish a two-part transfer of the tax remitted under s. 218.61, F.S. (the Local Government Half-Cent Sales Tax program). The bill authorizes the Department of Revenue (DOR) to distribute, by a nonoperating transfer, \$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 Department of Commerce (DCM) in monthly installments to the Grants and Donations Trust Fund for the Utility Relocation Reimbursement Grant Program (grant program), established in Section 3 of the bill. The grant program is to be located within the DCM. The remainder of the funds transfer to the Local Government Half-cent Sales Tax Clearing Trust Fund (Clearing Trust Fund), with 0.1018 percent distributed to the Public Employees Relations Commission (PERC).<sup>21</sup> The bill directs the transfer to the PERC to begin October 1, 2025.

**Section 2** of the bill amends s. 337.403, F.S., to revise the process under which certain utilities located within a public road or publicly-owned rail corridor must be relocated when such utility is found by an 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 initiate work within 30 days to alleviate the interference. The general requirement is that the utility owner must pay for such relocation.

However, the bill provides that when a county or municipal authority requires a communication services provider to relocate facility used to provide such communications services, the service provider owning or operating such facility must perform 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 otherwise provided in the state’s existing utility

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<sup>19</sup> However, the term does not include 1) a facility serving only to retransmit the television signals of television broadcast stations; 2) a facility serving only subscribers in one or more multiple-unit dwellings under common ownership, control, or management (unless it does so using any public right-of-way); 3) a facility serving subscribers without using public right-of-way; 4) a facility of a common carrier that is subject, in whole or in part, to the provisions of Title II of the federal Communications Act of 1934 (except that such facility is considered a cable system other than for purposes of 47 U.S.C. s. 541(c) to the extent such facility is used in the transmission of video programming directly to subscribers, unless the extent of such use is solely to provide interactive on-demand services); 5) any facilities of any electric utility used solely for operating its electric utility systems; or 6) an open video system complying with 47 U.S.C. s. 573.

<sup>20</sup> “Video service” does not, however, include any video programming provided by a commercial mobile service provider as defined in 47 U.S.C. s. 332(d), video programming provided as part of and via a service that enables end users to access content, information, electronic mail, or other services offered over the public Internet.

<sup>21</sup> Currently, 0.1 percent is transferred to PERC.

relocation law in s. 337.403(1), F.S. The service provider may apply for reimbursement of relocation expenses from the Utility Relocation Grant Program, subject to funds availability. If the grant program does not contain the necessary funds for reimbursement, the bill specifies that the county or municipal authority requiring the relocation remains not responsible for paying the expense of such relocation work, except as otherwise provided except as otherwise provided in the state's existing utility relocation law in s. 337.403(1), F.S.

The bill also requires that the department<sup>22</sup> notify 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. Such notification must include an estimated project schedule and timeline, including the anticipated year of construction. Within 90 days of this notification, communications services provider must 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 schedule within or adjacent to the existing or planned public right-of-way. The department must then provide a reasonable offer for joint participation in relocation costs, so long as the communications services provider begins 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 seven state fiscal years, the department must incur at least 50 percent of the costs for relocation work as described in a joint participation agreement. These provisions do not prevent the department from relocation processes, agreements, or payment options authorized under this section or to prevent a communications services provider from using grant funds provided through other government sources to support all or a portion of the relocation costs.

**Section 3** creates s. 337.4031, F.S., to establish the Utility Relocation Reimbursement Grant Program (grant program). The purpose of the grant program, administered by the Department of Commerce (DCM), is to reimburse providers of communications services which are subject to ch. 202, F.S. (communication services providers), for eligible costs incurred in relocating facilities at the request of a county or municipal authority.

The bill directs the DOR, beginning October 1, 2025, to deposit proceeds to be distributed to the DCM, pursuant to s. 212.20(6)(d)2.a., F.S., into a separate account within the DCM's Grants and Donations Trust Fund to fund the grant program.

The bill also directs the DCM to establish the following, by rule, relating to the grant program:

- The criteria and process by which communication services providers may apply for reimbursement;
- The minimum documentation required to verify eligible relocation costs, which must be prudent and reasonable in order to be eligible for reimbursement; and
- The timeline for application review and reimbursement disbursement, which may not exceed 90 days from submission.

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<sup>22</sup> The department is defined as FDOT; the Greater Miami, Tampa, and Central Florida Expressway Authorities; and the Jacksonville Transportation Authority.

The bill specifies that the grant program funds may be used only to reimburse documented expenses directly attributable to the physical relocation of facilities required by a county or municipal authority. Reimbursement may not be made to service providers for indirect or administrative costs. Funds in the grant program are exempt from the requirement in s. 215.20, F.S., that certain income and certain trust funds contribute to the state's General Revenue Fund. Instead, any interest earned on grant program funds accrue to the grant program's fund.

In order to administer and enforce this section, the bill authorizes the DCM to adopt emergency rules pursuant to s. 120.54(4), F.S.

**Section 4, 5, 6 and 7** of the bill amends ss. 125.42, 202.18, 212.18 and 218.65, F.S., to conform cross-references to amendments made by the bill.

**Section 8** of the bill provides a legislative finding and declaration that the bill fulfills an important state interest.

**Section 9** of the bill 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.

**Section 10** of the bill provides an effective date of October 1, 2025.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

Article VII, s. 18(a) of the Florida Constitution provides that a county or municipality may not be bound by a general law requiring a county or municipality to spend funds or take an action that requires the expenditure of funds unless certain specified exemptions or exceptions are met. Under the bill, local governments, except as otherwise provided in existing law, are not responsible for paying the cost of relocating a communications services provider's facilities.

Article VII, s. 18(b), of the Florida Constitution provides that except upon approval of each house of the legislature by two-thirds of the membership, the legislature may not enact, amend, or repeal any general law if the anticipated effect of doing so would be to reduce the authority that municipalities or counties have to raise revenues in the aggregate, as such authority exists on February 1, 1989. The bill requires that \$50 million from the state communications services tax that gets distributed to counties and municipalities, pursuant to the Local Government Half-Cent Sales Tax program, is to be distributed to the Department of Commerce (DCM) in monthly installments to fund the Utility Relocation Reimbursement Grant Program (grant program).

##### **B. Public Records/Open Meetings Issues:**

None.



C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill reduces or eliminates utility relocation costs for providers of broadband Internet, cable service, and video service when such providers are located within the right-of-way limits of roads and rail corridors under the jurisdiction and control of the Florida Department of Transportation (FDOT) or a local government entity. When such utilities are within the jurisdiction and control of the FDOT or expressway authorities, such costs may be substantially reduced. Providers of communications services may be eligible for full reimbursement, subject to funds availability, for eligible costs incurred in relocating facilities at the request of a county or municipal authority.

C. Government Sector Impact:

The bill will have an indeterminate, but likely substantial, impact on local government revenues as the bill redirects \$50 million from the state communications services tax that gets distributed to counties and municipalities pursuant to the Local Government Half-Cent Sales Tax program to fund the Utility Relocation Reimbursement Grant Program (grant program).

The bill will have a significant impact on revenues and expenditures for the Department of Commerce (DCM or department) relating to the newly created grant program. The bill appropriates \$50 million in nonrecurring funds from the DCM's Grants and Donations Trust Fund for Fiscal Year 2025-2026.

The bill authorizes the Department of Revenue (DOR) to distribute, by nonoperating transfer, \$50 million of communication services taxes to the DCM. The DOR is required to distribute monthly installments to the DCM's Grants and Donations Trust Fund for the grant program. The bill requires the DCM to adopt emergency rules and also expands the responsibilities of the department. Any expenses related to rulemaking can be absorbed

within existing resources. The cost of implementing and administering the grant program is indeterminate.

The bill does not impact the Public Service Commission.<sup>23</sup> The Department of Revenue may incur costs associated with updating technology systems which may be absorbed within existing resources.

The bill reduces by \$50 million the amount of funds distributed into the Local Government Half-cent Sales Tax Clearing Trust Fund, which reduces the amount of local government half-cent sales tax transferred and available to local governments and municipalities.

Beginning October 1, 2025, the bill amends the percentage of funds transferred to the Public Employees Relations from 0.1 percent to 0.1018 percent.

#### **VI. Technical Deficiencies:**

None.

#### **VII. Related Issues:**

Section 2 of the bill uses the term “permitted infrastructure,” however, the term “infrastructure” is not used elsewhere in s. 337.403, F.S. In regards material that may be considered “infrastructure,” the section uses either “utility” or “utility facilities.” It is unclear whether the material indicated in the bill as “infrastructure” is intended to differ from these terms and in what way.

#### **VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 202.20 and 337.403.

This bill amends sections 125.42, 202.18, 212.181, and 218.65 of the Florida Statutes to amend a cross-reference.

This bill creates section 337.4031 of the Florida Statutes.

#### **IX. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

##### **CS/CS/CS by Appropriations on April 22, 2025:**

The committee substitute:

- Removes a provision from the bill that directs 7.5 percent of the local communications services tax to the Department of Commerce to fund the Utility Relocation Reimbursement Grant Program. Instead, the amendment funds the

<sup>23</sup> Public Service Commission, *2025 Agency Legislative Bill Analysis for SB 818* (March 9, 2025) (on file with the Senate Appropriations Committee on Agriculture, Environment, and General Government).

program by redirecting \$50 million from the state communications services tax that gets distributed to counties and municipalities pursuant to the Local Government Half-Cent Sales Tax program.

- Clarifies that county or municipal authorities requiring communications services utility relocation are not responsible for paying the expense of such work, except as otherwise provided in the state's existing utility relocation law in s. 337.403(1), F.S. The amendment also clarifies that if grant program funds are exhausted for the year, the county or municipal authority requiring such relocation remains not responsible for paying the expense of such work, except as otherwise provided in existing law.
- Provides that, to be reimbursed under the grant program, relocation costs must be "prudent and reasonable." This replaces the "excessive and burdensome" language used in the bill.
- Authorizes the Department of Commerce to adopt emergency rules to administer the program.
- Provides an appropriation authorizing the Department of Commerce to expend, for the 2025-2026 fiscal year, the funds allocated to the program through the provisions of the bill.
- Revises the effective date of the bill.

**CS/CS by Rules on April 16, 2025:**

The committee substitute amended CS/SB 818 to establish a Utility Reimbursement Grant Program (grant program) to reimburse providers of communications services subject to ch. 202, F.S., (providers) for the cost to relocate utilities located within the right-of-way of a public road or publicly-owned rail corridor that must be relocated when such utility is found by a county or municipal authority unreasonably interfering in any way with the use, or the improvement, of such public road or publicly-owned rail corridor. The committee substitute specifies that 7.5 percent of the local communications services tax levied by a municipality or county pursuant to s. 202.19(1) or s. 202.20(1), F.S., is to be redirected to the Department of Commerce to fund the grant program. Providers may seek reimbursement for such relocation costs from the grant program subject to the availability of funds. If the grant program does not contain enough funds, the authority is responsible for paying the relocation cost. The committee substitute also provides for rulemaking to establish the procedures for reimbursement by the grant program and that relocation costs may not be excessive or burdensome.

The committee substitute also deletes a provision in the bill requiring utility owners to provide the authority, upon notice that their utility is unreasonably interfering, a reasonable utility relocation schedule to expedite the completion of the authority's construction or maintenance project identified in the notice, and, within 60 days after the notice. The committee substitute adds a provision that the department must notify providers 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. This notification must include an estimated schedule and timeline. Within 90 days after receipt of the notification, providers must provide department with estimated timeframe and project cost for the relocation of the provider's infrastructure. The department must also provide a reasonable offer for joint

participation in relocation costs, so long as the provider begins work within a mutually agreed timeframe and, if the relocation is a result of roadway improvements increase safety or reduce congestion and the infrastructure was installed within the past seven state fiscal years. The department must pay at least 50 percent of this cost.

**CS by Transportation on April 1, 2025:**

Provides a legislative finding and declaration that the bill fulfills an important state interest.

**B. Amendments:**

None.