

Bill No. CS for CS for SB 1450

Amendment No. 1 Barcode 850854

CHAMBER ACTION

Senate

House

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The Committee on Finance and Taxation recommended the following amendment:

Senate Amendment

On page 11, line 28, through
page 14, line 29, delete those lines

and insert: existing permits or agreements for such property, buildings, or structures. Nothing in this subsection relieves the permitholder for or owner of the existing structure from compliance with any applicable condition or requirement of a permit, agreement, or land development regulation, including any aesthetic requirements, or law.

(b) Local governments shall not require providers to provide evidence of a wireless communications facility's compliance with federal regulations; however, local governments shall receive evidence of proper Federal Communications Commission licensure from any provider and may request the Federal Communications Commission to provide information as to a provider's compliance with federal regulations, as authorized by federal law.

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1 (c)1. A local government shall grant or deny a
2 properly completed application for a permit, including permits
3 under paragraph (a), for the colocation of a wireless
4 communications facility on property, buildings, or structures
5 within the local government's jurisdiction within 45 business
6 days after the date the properly completed application is
7 initially submitted in accordance with the applicable local
8 government application procedures, provided that such permit
9 complies with applicable federal regulations and applicable
10 local zoning or land development regulations, including any
11 aesthetic requirements. Local building regulations shall
12 apply.

13 2. A local government shall grant or deny a properly
14 completed application for a permit for the siting of a new
15 wireless tower or antenna on property, buildings, or
16 structures within the local government's jurisdiction within
17 90 business days after the date the properly completed
18 application is initially submitted in accordance with the
19 applicable local government application procedures, provided
20 that such permit complies with applicable federal regulations
21 and applicable local zoning or land development regulations,
22 including any aesthetic requirements. Local building
23 regulations shall apply.

24 3.a. The local government shall notify the permit
25 applicant within 20 business days after the date the
26 application is submitted as to whether the application is, for
27 administrative purposes only, properly completed and has been
28 properly submitted; however, such determination shall not be
29 deemed as an approval of the application. Such notification
30 shall indicate with specificity any deficiencies that, if
31 cured, shall make the application properly completed.

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1 b. If the local government fails to grant or deny a
2 properly completed application for a permit which has been
3 properly submitted within the timeframes set forth in this
4 paragraph, the permit shall be deemed automatically approved
5 and a provider may proceed with placement of such facilities
6 without interference or penalty. The timeframes specified in
7 subparagraphs 1. and 2. shall be extended only to the extent
8 that the permit has not been granted or denied because the
9 local government's procedures generally applicable to all
10 permits require action by the governing body and such action
11 has not taken place within the timeframes specified in
12 subparagraphs 1. and 2. Under such circumstances, the local
13 government must act to either grant or deny the permit at its
14 next regularly scheduled meeting or, otherwise, the permit
15 shall be deemed to be automatically approved.

16 c. To be effective, a waiver of the timeframes in this
17 paragraph must be voluntarily agreed to by the applicant and
18 the local government. A local government may request, but not
19 require, a waiver of the timeframes by an entity seeking a
20 permit, except that, with respect to a specific permit, a
21 one-time waiver may be required in the case of a declared
22 local, state, or federal emergency that directly affects the
23 administration of permitting activities of the local
24 government.

25 (d) Any additional wireless communications facilities,
26 such as communication cables, adjacent accessory structures,
27 or adjacent accessory equipment used in the provision of
28 cellular, enhanced specialized mobile radio, or personal
29 communications services, required within the existing secured
30 equipment compound at an existing site shall be deemed a
31 permitted use or activity. Local building and land development

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1 regulations, including any aesthetic requirements, shall
2 apply.

3 (e) Any other provision of law to the contrary
4 notwithstanding, the Department of Management Services shall
5 negotiate, in the name of the state, leases for wireless
6 communications facilities that provide access to state
7 government-owned property not acquired for transportation
8 purposes, and the Department of Transportation shall
9 negotiate, in the name of the state, leases for wireless
10 communications facilities that provide access to property
11 acquired for state rights-of-way. On property acquired for
12 transportation purposes, leases shall be granted in accordance
13 with s. 337.251. On other state government-owned property,
14 leases shall be granted on a space available, first-come,
15 first-served basis. Payments required by state government
16 under a lease must be reasonable and must reflect the market
17 rate for the use of the state government-owned property. The
18 Department of Management Services and the Department of
19 Transportation are authorized to adopt rules for the terms and
20 conditions and granting of any such leases.

21 (f) Any wireless telephone service provider may report
22 to the board no later than September 1, 2003, the specific
23 locations or general areas within a county or municipality
24 where the provider has experienced unreasonable delay to
25 locate wireless telecommunications facilities necessary to
26 provide the needed coverage for compliance with federal phase
27 II E911 requirements using its own network. The provider shall
28 also provide this information to the county or municipality no
29 later than September 1, 2003. Unless the board receives no
30 report that unreasonable delays have occurred, the board
31 shall, no later than September 30, 2003, establish a

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1 subcommittee responsible for developing a balanced approach
2 between the ability of providers to locate wireless facilities
3 necessary to comply with federal phase II E911 requirements
4 using the carrier's own network and the desire of counties and
5 municipalities to zone and regulate land uses to achieve
6 public welfare goals. The subcommittee shall include
7 representatives from the Florida Telecommunications Industry
8 Association, the Florida Association of Counties, and the
9 Florida League of Cities. The subcommittee shall be charged
10 with developing recommendations for the board and any
11 specifically identified municipality or county to consider
12 regarding actions to be taken for compliance for federal phase
13 II E911 requirements. In the annual report due to the Governor
14 and the Legislature by February 28, 2004, the board shall
15 include any recommendations developed by the subcommittee to
16 address compliance with federal phase II E911 requirements.

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