

2017596e1

1 A bill to be entitled  
2 An act relating to utilities; amending s. 337.401,  
3 F.S.; authorizing the Department of Transportation and  
4 certain local governmental entities to prescribe and  
5 enforce reasonable rules or regulations with reference  
6 to the placing and maintaining across, on, or within  
7 the right-of-way limits of any road or publicly owned  
8 rail corridors under their respective jurisdictions  
9 any voice or data communications services lines or  
10 wireless facilities; providing a short title; defining  
11 terms; prohibiting a county or municipality having  
12 jurisdiction and control of the rights-of-way of any  
13 public road, referred to as the "authority," from  
14 prohibiting, regulating, or charging for the  
15 collocation of small wireless facilities in public  
16 rights-of-way under certain circumstances; authorizing  
17 an authority to require a registration process and  
18 permit fees only under certain circumstances;  
19 requiring an authority to receive and process  
20 applications for permits and to issue such permits,  
21 subject to specified requirements; prohibiting an  
22 authority from requiring approval of or imposing fees  
23 or other charges for routine maintenance, the  
24 replacement of certain wireless facilities, or the  
25 installation, placement, maintenance, or replacement  
26 of certain micro wireless facilities; providing an  
27 exception; providing requirements for the collocation  
28 of small wireless facilities on authority utility  
29 poles; providing requirements for rates, fees, and

2017596e1

30 other terms related to authority utility poles;  
31 authorizing an authority to apply current ordinances  
32 regulating placement of communications facilities in  
33 the right-of-way, including registration, permitting,  
34 insurance coverage, indemnification, performance  
35 bonds, security funds, force majeure, abandonment,  
36 authority liability, or authority warranties for  
37 certain applications; providing that certain permit  
38 application requirements and small wireless facility  
39 placement requirements shall be waived by the  
40 authority; prohibiting an authority from adopting or  
41 enforcing any regulation on the placement or operation  
42 of certain communications facilities, from regulating  
43 any communications services, or from imposing or  
44 collecting any tax, fee, or charge not specifically  
45 authorized under state law; providing construction;  
46 requiring a wireless provider to comply with certain  
47 nondiscriminatory undergrounding requirements of the  
48 authority; authorizing the authority to waive any such  
49 requirements; authorizing a wireless infrastructure  
50 provider to apply to an authority to place utility  
51 poles in the public rights-of-way to support the  
52 collocation of small wireless facilities; providing  
53 requirements for such application; requiring the  
54 authority to accept and process the application,  
55 subject to certain requirements; providing  
56 construction; authorizing an authority to enforce  
57 local codes, administrative rules, or regulations  
58 adopted by ordinance in effect on a specified date

2017596e1

59 which are applicable to a historic area designated by  
60 the state or authority; authorizing an authority to  
61 enforce pending local ordinances, administrative  
62 rules, or regulations that are applicable to a  
63 historic area designated by the state if the intent to  
64 adopt such changes has been publicly declared on or  
65 before a specified date; providing retroactive  
66 applicability; authorizing an authority to waive  
67 certain ordinances or other requirements; providing an  
68 effective date.

69  
70 Be It Enacted by the Legislature of the State of Florida:

71  
72 Section 1. Paragraph (a) of subsection (1) of section  
73 337.401, Florida Statutes, is amended, and subsection (7) is  
74 added to that section, to read:

75 337.401 Use of right-of-way for utilities subject to  
76 regulation; permit; fees.—

77 (1) (a) The department and local governmental entities,  
78 referred to in this section and in ss. 337.402, 337.403, and  
79 337.404 as the "authority," that have jurisdiction and control  
80 of public roads or publicly owned rail corridors are authorized  
81 to prescribe and enforce reasonable rules or regulations with  
82 reference to the placing and maintaining across, on, or within  
83 the right-of-way limits of any road or publicly owned rail  
84 corridors under their respective jurisdictions any electric  
85 transmission, voice telephone, telegraph, data, or other  
86 communications services lines or wireless facilities; pole  
87 lines; poles; railways; ditches; sewers; water, heat, or gas

2017596e1

88 mains; pipelines; fences; gasoline tanks and pumps; or other  
89 structures referred to in this section and in ss. 337.402,  
90 337.403, and 337.404 as the "utility." The department may enter  
91 into a permit-delegation agreement with a governmental entity if  
92 issuance of a permit is based on requirements that the  
93 department finds will ensure the safety and integrity of  
94 facilities of the Department of Transportation; however, the  
95 permit-delegation agreement does not apply to facilities of  
96 electric utilities as defined in s. 366.02(2).

97 (7) (a) This subsection may be cited as the "Advanced  
98 Wireless Infrastructure Deployment Act."

99 (b) As used in this subsection, the term:

100 1. "Antenna" means communications equipment that transmits  
101 or receives electromagnetic radio frequency signals used in  
102 providing wireless services.

103 2. "Applicable codes" means uniform building, fire,  
104 electrical, plumbing, or mechanical codes adopted by a  
105 recognized national code organization or local amendments to  
106 those codes enacted solely to address threats of destruction of  
107 property or injury to persons, or local codes or ordinances  
108 adopted to implement this subsection. The term includes  
109 objective design standards adopted by ordinance which may  
110 require that a new utility pole replacing an existing utility  
111 pole be of substantially similar design, material, and color, or  
112 that ground-mounted equipment meet reasonable spacing  
113 requirements. The term includes objective design standards  
114 adopted by ordinance which may require a small wireless facility  
115 to meet reasonable location context, color, stealth, and  
116 concealment requirements; however, the authority may waive the

2017596e1

117 design standards upon a showing that the design standards are  
118 not reasonably compatible for the particular location of a small  
119 wireless facility or that the design standards impose an  
120 excessive expense. The waiver must be granted or denied within  
121 45 days after the date of the waiver request.

122 3. "Applicant" means a person who submits an application  
123 and is a wireless provider.

124 4. "Application" means a request submitted by an applicant  
125 to an authority for a permit to collocate small wireless  
126 facilities.

127 5. "Authority" means a county or municipality having  
128 jurisdiction and control of the rights-of-way of any public  
129 roads. The term does not include the Florida Department of  
130 Transportation. The Florida Department of Transportation rights-  
131 of-way are excluded from this subsection.

132 6. "Authority utility pole" means a utility pole owned by  
133 an authority in the right-of-way. The term does not include a  
134 utility pole owned by a municipal electric utility or any  
135 utility pole used to support municipally owned or operated  
136 electric distribution facilities, or a utility pole located in  
137 the right-of-way within:

138 a. A retirement community that:

139 (I) Is deed-restricted as housing for older persons as  
140 defined in s. 760.29(4) (b);

141 (II) Has more than 5,000 residents; and

142 (III) Has underground utilities for electric transmission  
143 or distribution; or

144 b. A municipality that:

145 (I) Is located on a coastal barrier island as defined in s.

2017596e1

146 161.053(1)(b)3.;

147 (II) Has a land area of less than 5 square miles;

148 (III) Has fewer than 10,000 residents; and

149 (IV) Has, before July 1, 2017, received referendum approval  
150 to issue debt to finance municipality-wide underground utilities  
151 for electric transmission or distribution.

152 7. "Collocate" or "collocation" means to install, mount,  
153 maintain, modify, operate, or replace one or more wireless  
154 facilities on, under, within, or adjacent to a wireless support  
155 structure or utility pole. The term does not include the  
156 installation of a new utility pole or wireless support structure  
157 in the public rights-of-way.

158 8. "FCC" means the Federal Communications Commission.

159 9. "Micro wireless facility" means a small wireless  
160 facility having dimensions no larger than 24 inches in length,  
161 15 inches in width, and 12 inches in height and an exterior  
162 antenna, if any, no longer than 11 inches.

163 10. "Small wireless facility" means a wireless facility  
164 that meets the following qualifications:

165 a. Each antenna associated with the facility is located  
166 inside an enclosure of no more than 6 cubic feet in volume or,  
167 in the case of antennas that have exposed elements, each antenna  
168 and all of its exposed elements could fit within an enclosure of  
169 no more than 6 cubic feet in volume; and

170 b. All other wireless equipment associated with the  
171 facility is cumulatively no more than 28 cubic feet in volume.  
172 The following types of associated ancillary equipment are not  
173 included in the calculation of equipment volume: electric  
174 meters, concealment elements, telecommunications demarcation

2017596e1

175 boxes, ground-based enclosures, grounding equipment, power  
176 transfer switches, cutoff switches, vertical cable runs for the  
177 connection of power and other services, and utility poles or  
178 other support structures.

179 11. "Utility pole" means a pole or similar structure used  
180 in whole or in part to provide communications services or for  
181 electric distribution, lighting, traffic control, signage, or a  
182 similar function. The term includes the vertical support  
183 structure for traffic lights, but does not include any  
184 horizontal structures upon which are attached signal lights or  
185 other traffic control devices and does not include any pole or  
186 similar structure 15 feet in height or less unless an authority  
187 grants a waiver for the pole.

188 12. "Wireless facility" means equipment at a fixed location  
189 which enables wireless communications between user equipment and  
190 a communications network, including radio transceivers,  
191 antennas, wires, coaxial or fiber-optic cable or other cables,  
192 regular and backup power supplies, and comparable equipment,  
193 regardless of technological configuration, and equipment  
194 associated with wireless communications. The term includes small  
195 wireless facilities. The term does not include:

196 a. The structure or improvements on, under, within, or  
197 adjacent to the structure on which the equipment is collocated;

198 b. Wireline backhaul facilities; or

199 c. Coaxial or fiber-optic cable that is between wireless  
200 structures or utility poles or that is otherwise not immediately  
201 adjacent to or directly associated with a particular antenna.

202 13. "Wireless infrastructure provider" means a person who  
203 has been certificated to provide telecommunications service in

2017596e1

204 the state and who builds or installs wireless communication  
205 transmission equipment, wireless facilities, or wireless support  
206 structures, but is not a wireless services provider.

207 14. "Wireless provider" means a wireless infrastructure  
208 provider or a wireless services provider.

209 15. "Wireless services" means any services provided using  
210 licensed or unlicensed spectrum, whether at a fixed location or  
211 mobile, using wireless facilities.

212 16. "Wireless services provider" means a person who  
213 provides wireless services.

214 17. "Wireless support structure" means a freestanding  
215 structure, such as a monopole, a guyed or self-supporting tower,  
216 or another existing or proposed structure designed to support or  
217 capable of supporting wireless facilities. The term does not  
218 include a utility pole.

219 (c) Except as provided in this subsection, an authority may  
220 not prohibit, regulate, or charge for the collocation of small  
221 wireless facilities in the public rights-of-way.

222 (d) An authority may require a registration process and  
223 permit fees in accordance with subsection (3). An authority  
224 shall accept applications for permits and shall process and  
225 issue permits subject to the following requirements:

226 1. An authority may not directly or indirectly require an  
227 applicant to perform services unrelated to the collocation for  
228 which approval is sought, such as in-kind contributions to the  
229 authority, including reserving fiber, conduit, or pole space for  
230 the authority.

231 2. An applicant may not be required to provide more  
232 information to obtain a permit than is necessary to demonstrate



2017596e1

233 the applicant's compliance with applicable codes for the  
234 placement of small wireless facilities in the locations  
235 identified in the application.

236 3. An authority may not require the placement of small  
237 wireless facilities on any specific utility pole or category of  
238 poles or require multiple antenna systems on a single utility  
239 pole.

240 4. An authority may not limit the placement of small  
241 wireless facilities by minimum separation distances; however,  
242 within 14 days after the date of filing the application, an  
243 authority may request that the proposed location of a small  
244 wireless facility be moved to another location in the right-of-  
245 way and placed upon an alternative authority utility pole or  
246 support structure or placed upon a new utility pole. The  
247 authority and applicant may negotiate the alternative location,  
248 including any objective design standards, for 30 days after the  
249 date of the request. At the conclusion of the negotiation  
250 period, if the applicant accepts the alternative location, the  
251 applicant must notify the authority, and the application shall  
252 be deemed granted for any new location for which there is  
253 agreement and all other locations in the application. If no  
254 agreement is reached, the applicant must notify the authority,  
255 and the authority must grant or deny the original application  
256 within 90 days after the date the application is filed. A  
257 request for an alternative location, an acceptance of an  
258 alternative location, or any rejection of an alternative  
259 location must be in writing and provided by electronic mail.

260 5. An authority shall limit the height of a small wireless  
261 facility to no more than 10 feet above the utility pole or

2017596e1

262 structure upon which the small wireless facility is to be  
263 collocated. Unless waived by an authority, the height for a new  
264 utility pole is limited to the tallest existing utility pole as  
265 of July 1, 2017, located in the same right-of-way, other than a  
266 utility pole for which a waiver has previously been granted,  
267 measured from grade in place within 500 feet of the proposed  
268 location of the small wireless facility. If there is no utility  
269 pole within 500 feet, the authority shall limit the height of  
270 the utility pole to 50 feet.

271 6. Except as provided in subparagraphs 4. and 5., the  
272 installation of a utility pole in the public rights-of-way  
273 designed to support a small wireless facility is subject to  
274 authority rules or regulations governing the placement of  
275 utility poles in the public rights-of-way and is subject to the  
276 application review timeframes in this subsection.

277 7. Within 14 days after receiving an application, an  
278 authority must determine and notify the applicant by electronic  
279 mail as to whether the application is complete. If an  
280 application is deemed incomplete, the authority must  
281 specifically identify the missing information. An application is  
282 deemed complete if the authority fails to provide notification  
283 to the applicant within 14 days.

284 8. An application must be processed on a nondiscriminatory  
285 basis. A complete application is deemed approved if an authority  
286 fails to approve or deny the application within 60 days after  
287 receipt of the application. If an authority does not use the 30-  
288 day negotiation period provided in subparagraph 4., the parties  
289 may mutually agree to extend the 60-day application review  
290 period. The authority must grant or deny the application at the

2017596e1

291 end of the extended period. A permit issued pursuant to an  
292 approved application remains effective for 1 year unless  
293 extended by the authority.

294 9. An authority must notify the applicant of approval or  
295 denial by electronic mail. An authority must approve a complete  
296 application unless it does not meet the authority's applicable  
297 codes. If the application is denied, the authority must specify  
298 in writing the basis for denial, including the specific code  
299 provisions on which the denial was based, and send the  
300 documentation to the applicant by electronic mail on the day the  
301 authority denies the application. The applicant may cure the  
302 deficiencies identified by the authority and resubmit the  
303 application within 30 days after notice of the denial is sent to  
304 the applicant. The authority must approve or deny the revised  
305 application within 30 days after receipt or the application is  
306 deemed approved. Any subsequent review shall be limited to the  
307 deficiencies cited in the denial.

308 10. An applicant seeking to collocate small wireless  
309 facilities within the jurisdiction of a single authority may, at  
310 the applicant's discretion, file a consolidated application and  
311 receive a single permit for the collocation of no more than 30  
312 small wireless facilities. If the application includes multiple  
313 small wireless facilities, an authority may remove small  
314 wireless facility collocations from the application and treat  
315 separately small wireless facility collocations for which  
316 incomplete information has been received or which are denied.

317 11. An authority may deny a proposed collocation of a small  
318 wireless facility in the public rights-of-way if the proposed  
319 collocation:

2017596e1

320 a. Materially interferes with the safe operation of traffic  
321 control equipment.

322 b. Materially interferes with sight lines or clear zones  
323 for transportation, pedestrians, or public safety purposes.

324 c. Materially interferes with compliance with the Americans  
325 with Disabilities Act or similar federal or state standards  
326 regarding pedestrian access or movement.

327 d. Materially fails to comply with the 2010 edition of the  
328 Florida Department of Transportation Utility Accommodation  
329 Manual.

330 e. Fails to comply with applicable codes.

331 12. An authority may adopt by ordinance provisions for  
332 registration, permitting, insurance coverage, indemnification,  
333 performance bonds, security funds, force majeure, abandonment,  
334 authority liability, or authority warranties. Such provisions  
335 must be reasonable and nondiscriminatory.

336 13. Collocation of a small wireless facility on an  
337 authority utility pole may not provide the basis for the  
338 imposition of an ad valorem tax on the authority utility pole.

339 14. An authority may reserve space on authority utility  
340 poles for future public safety uses. However, a reservation of  
341 space may not preclude collocation of a small wireless facility.  
342 If replacement of the authority utility pole is necessary to  
343 accommodate the collocation of the small wireless facility and  
344 the future public safety use, the pole replacement is subject to  
345 make-ready provisions, and the replaced pole shall accommodate  
346 the future public safety use.

347 15. Any structure granted a permit and installed pursuant  
348 to this subsection must comply with chapter 333 and federal

2017596e1

349 regulations pertaining to airport airspace protections.

350 (e) An authority may not require approval of or impose fees  
351 or other charges for:

352 1. Routine maintenance;

353 2. Replacement of existing wireless facilities with  
354 wireless facilities that are substantially similar or of the  
355 same or smaller size; or

356 3. Installation, placement, maintenance, or replacement of  
357 micro wireless facilities suspended on cables strung between  
358 existing utility poles in compliance with applicable codes by a  
359 communications service provider authorized to occupy the rights-  
360 of-way and who is remitting taxes under chapter 202.

361  
362 However, notwithstanding this paragraph, an authority may  
363 require a right-of-way permit for work that involves excavation,  
364 closing a sidewalk, or closing a vehicular lane.

365 (f) Collocation of small wireless facilities on authority  
366 utility poles is subject to the following requirements:

367 1. An authority may not enter into an exclusive arrangement  
368 with any person for the right to attach equipment to authority  
369 utility poles.

370 2. The rates and fees for collocations on authority utility  
371 poles must be nondiscriminatory, regardless of the services  
372 provided by the collocating person.

373 3. The rate to collocate small wireless facilities on  
374 authority utility poles may not exceed \$150 per pole annually.

375 4. Agreements between authorities and wireless providers  
376 which are in effect on July 1, 2017, and which relate to the  
377 collocation of small wireless facilities in the right-of-way,

2017596e1

378 including the collocation of small wireless facilities on  
379 authority utility poles, remain in effect, subject to applicable  
380 termination provisions. The wireless provider may accept the  
381 rates, fees, and terms established under this subsection for  
382 small wireless facilities and utility poles that are the subject  
383 of an application submitted after the rates, fees, and terms  
384 become effective.

385 5. A person owning or controlling an authority utility pole  
386 shall offer rates, fees, and other terms that comply with this  
387 subsection. By the later of January 1, 2018, or 3 months after  
388 receiving a request to collocate its first small wireless  
389 facility on a utility pole owned or controlled by an authority,  
390 the person owning or controlling the authority utility pole  
391 shall make available, through ordinance or otherwise, rates,  
392 fees, and terms for the collocation of small wireless facilities  
393 on the authority utility pole which comply with this subsection.

394 a. The rates, fees, and terms must be nondiscriminatory,  
395 competitively neutral, and must comply with this subsection.

396 b. For an authority utility pole that supports an aerial  
397 facility used to provide communications services or electric  
398 service, the parties shall comply with the process for make-  
399 ready work under 47 U.S.C. s. 224 and implementing regulations.  
400 The good faith estimate of the person owning or controlling the  
401 pole for any make-ready work necessary to enable the pole to  
402 support the requested collocation must include pole replacement  
403 if necessary.

404 c. For an authority utility pole that does not support an  
405 aerial facility used to provide communications services or  
406 electric service, the authority shall provide a good faith

2017596e1

407 estimate for any make-ready work necessary to enable the pole to  
408 support the requested collocation, including necessary pole  
409 replacement, within 60 days after receipt of a complete  
410 application. Make-ready work, including any pole replacement,  
411 must be completed within 60 days after written acceptance of the  
412 good faith estimate by the applicant. Alternatively, an  
413 authority may require the applicant seeking to collocate a small  
414 wireless facility to provide a make-ready estimate at the  
415 applicant's expense for the work necessary to support the small  
416 wireless facility, including pole replacement, and to perform  
417 the make-ready work. If pole replacement is required, the scope  
418 of the make-ready estimate is limited to the design,  
419 fabrication, and installation of a utility pole that is  
420 substantially similar in color and composition. The authority  
421 may not impose conditions on or restrict the manner in which the  
422 applicant obtains, develops, or provides the estimate or  
423 conducts the make-ready work subject to usual construction  
424 restoration standards for work in the right-of-way. The replaced  
425 or altered utility pole shall remain the property of the  
426 authority.

427 d. An authority may not require more make-ready work than  
428 is required to meet applicable codes or industry standards. Fees  
429 for make-ready work may not include costs related to preexisting  
430 damage or prior noncompliance. Fees for make-ready work,  
431 including any pole replacement, may not exceed actual costs or  
432 the amount charged to communications service providers other  
433 than wireless services providers for similar work and may not  
434 include any consultant fee or expense.

435 (g) For any applications filed before the effective dates

2017596e1

436 of ordinances implementing this subsection, an authority may  
437 apply current ordinances regulating the placement of  
438 communications facilities in the right-of-way, including  
439 registration, permitting, insurance coverage, indemnification,  
440 performance bonds, security funds, force majeure, abandonment,  
441 authority liability, or authority warranties. Permit application  
442 requirements and small wireless facility placement requirements,  
443 including utility pole height limits, which conflict with this  
444 subsection shall be waived by the authority.

445 (h) Except as provided in this section or specifically  
446 required by state law, an authority may not adopt or enforce any  
447 regulation on the placement or operation of communications  
448 facilities in the rights-of-way by a provider authorized by  
449 state law to operate in the rights-of-way and may not regulate  
450 any communications services or impose or collect any tax, fee,  
451 or charge not specifically authorized under state law. This  
452 paragraph is not intended to change state law regarding an  
453 authority's ability to regulate the relocation of facilities.

454 (i) A wireless provider shall, in relation to a small  
455 wireless facility, utility pole, or wireless support structure  
456 in the public rights-of-way, comply with nondiscriminatory  
457 undergrounding requirements of the authority which prohibit  
458 above-ground structures in public rights-of-way. Any such  
459 requirements may be waived by the relevant authority.

460 (j) A wireless infrastructure provider may apply to an  
461 authority to place utility poles in the public rights-of-way to  
462 support the collocation of small wireless facilities. The  
463 application must include an attestation that small wireless  
464 facilities will be collocated on the utility pole or structure



2017596e1

465 and small wireless facilities will be used by a wireless  
466 services provider to provide service within 9 months from the  
467 date the application is granted. An authority shall accept and  
468 process the application in accordance with subparagraph (d)6.  
469 and any applicable codes and other local codes governing the  
470 placement of utility poles in the public rights-of-way.

471 (k) This subsection does not limit a local government's  
472 authority to enforce historic preservation zoning regulations  
473 consistent with the preservation of local zoning authority under  
474 47 U.S.C. s. 332(c)(7), the requirements for facility  
475 modifications under 47 U.S.C. s. 1455(a), or the National  
476 Historic Preservation Act of 1966, as amended, and the  
477 regulations adopted to implement these laws. An authority may  
478 enforce local codes, administrative rules, or regulations  
479 adopted by ordinance in effect on April 1, 2017, which are  
480 applicable to a historic area designated by the state or  
481 authority. An authority may enforce pending local ordinances,  
482 administrative rules, or regulations that are applicable to a  
483 historic area designated by the state if the intent to adopt  
484 such changes has been publicly declared on or before April 1,  
485 2017. An authority may waive any ordinances or other  
486 requirements that are subject to this paragraph.

487 (l) This subsection does not authorize a person to  
488 collocate or attach wireless facilities, including any antenna,  
489 micro wireless facility, or small wireless facility, on a  
490 privately owned utility pole, a utility pole owned by an  
491 electric cooperative or a municipal electric utility, a  
492 privately owned wireless support structure, or other private  
493 property without the consent of the property owner.

2017596e1

494 (m) The approval of the installation, placement,  
495 maintenance, or operation of a small wireless facility pursuant  
496 to this subsection may not be construed to authorize the  
497 provision of any voice, data, or video communications services  
498 or the installation, placement, maintenance, or operation of any  
499 communications facilities other than small wireless facilities  
500 in the right-of-way.

501 (n) This subsection does not affect the provisions of  
502 subsection (6) relating to pass-through providers.

503 (o) This subsection does not authorize a person to  
504 collocate or attach small wireless facilities or micro wireless  
505 facilities on a utility pole unless otherwise permitted by  
506 federal law, or to erect a wireless support structure in the  
507 right-of-way located within a retirement community that:

508 1. Is deed-restricted as housing for older persons as  
509 defined in s. 760.29(4) (b);

510 2. Has more than 5,000 residents; and

511 3. Has underground utilities for electric transmission or  
512 distribution.

513  
514 Nothing in this paragraph applies to the installation,  
515 placement, maintenance, or replacement of micro wireless  
516 facilities on any existing and duly authorized aerial  
517 communications facilities, provided that once aerial facilities  
518 are converted to underground, any such collocation or  
519 construction shall be only as provided by the municipality's  
520 underground utilities ordinance.

521 (p) This subsection does not authorize a person to  
522 collocate or attach small wireless facilities or micro wireless

2017596e1

523 facilities on a utility pole unless otherwise permitted by  
524 federal law, or to erect a wireless support structure in the  
525 right-of-way located within a municipality that:

526 1. Is located on a coastal barrier island as defined in s.  
527 161.053(1)(b)3.;

528 2. Has a land area of less than 5 square miles;

529 3. Has fewer than 10,000 residents; and

530 4. Which has, before July 1, 2017, received referendum  
531 approval to issue debt to finance municipality-wide  
532 undergrounding of its utilities for electric transmission or  
533 distribution.

534  
535 Nothing in this paragraph applies to the installation,  
536 placement, maintenance, or replacement of micro wireless  
537 facilities on any existing and duly authorized aerial  
538 communications facilities, provided that once aerial facilities  
539 are converted to underground, any such collocation or  
540 construction shall be only as provided by the municipality's  
541 underground utilities ordinance.

542 (q) This subsection does not authorize a person to  
543 collocate small wireless facilities or micro wireless facilities  
544 on an authority utility pole or erect a wireless support  
545 structure in a location subject to covenants, conditions, and  
546 restrictions; articles of incorporation; and bylaws of a home  
547 owners association. Nothing in this paragraph applies to the  
548 installation, placement, maintenance, or replacement of micro  
549 wireless facilities on any existing and duly authorized aerial  
550 communications facilities.

551 Section 2. This act shall take effect July 1, 2017.