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LEGISLATIVE ACTION

Senate

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House

The Committee on Appropriations (Hutson) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (b) of subsection (2) of section
202.20, Florida Statutes, is amended to read:

202.20 Local communications services tax conversion rates.-
(2)

(b) Except as otherwise provided in this subsection,
"replaced revenue sources," as used in this section, means the



11 following taxes, charges, fees, or other impositions to the
12 extent that the respective local taxing jurisdictions were
13 authorized to impose them prior to July 1, 2000.

14 1. With respect to municipalities and charter counties and
15 the taxes authorized by s. 202.19(1):

16 a. The public service tax on telecommunications authorized
17 by former s. 166.231(9).

18 b. Franchise fees on cable service providers as authorized
19 by 47 U.S.C. s. 542.

20 c. The public service tax on prepaid calling arrangements.

21 d. Franchise fees on dealers of communications services
22 which use the public roads or rights-of-way, up to the limit set
23 forth in s. 337.401. For purposes of calculating rates under
24 this section, it is the legislative intent that charter counties
25 be treated as having had the same authority as municipalities to
26 impose franchise fees on recurring local telecommunication
27 service revenues prior to July 1, 2000. However, the Legislature
28 recognizes that the authority of charter counties to impose such
29 fees is in dispute, and the treatment provided in this section
30 is not an expression of legislative intent that charter counties
31 actually do or do not possess such authority.

32 e. Actual permit fees relating to placing or maintaining
33 facilities in or on public roads or rights-of-way, collected
34 from providers of long-distance, cable, and mobile
35 communications services for the fiscal year ending September 30,
36 1999; however, if a municipality or charter county elects the
37 option to charge permit fees pursuant to s. 337.401(3)(c)
38 ~~337.401(3)(c)1.a.~~, such fees shall not be included as a replaced
39 revenue source.



40 2. With respect to all other counties and the taxes
41 authorized in s. 202.19(1), franchise fees on cable service
42 providers as authorized by 47 U.S.C. s. 542.

43 Section 2. Subsection (3), paragraphs (e) and (f) of
44 subsection (6), and paragraphs (b) through (g) and (i) of
45 subsection (7) of section 337.401, Florida Statutes, are
46 amended, and paragraph (r) of subsection (7) and subsection (8)
47 are added to that section, to read:

48 337.401 Use of right-of-way for utilities subject to
49 regulation; permit; fees.—

50 (3) (a) Because of the unique circumstances applicable to
51 providers of communications services, including, but not limited
52 to, the circumstances described in paragraph (e) and the fact
53 that federal and state law require the nondiscriminatory
54 treatment of providers of telecommunications services, and
55 because of the desire to promote competition among providers of
56 communications services, it is the intent of the Legislature
57 that municipalities and counties treat providers of
58 communications services in a nondiscriminatory and competitively
59 neutral manner when imposing rules or regulations governing the
60 placement or maintenance of communications facilities in the
61 public roads or rights-of-way. Rules or regulations imposed by a
62 municipality or county relating to providers of communications
63 services placing or maintaining communications facilities in its
64 roads or rights-of-way must be generally applicable to all
65 providers of communications services, taking into account the
66 distinct engineering, construction, operation, maintenance,
67 public works, and safety requirements of the provider's
68 facilities, and, notwithstanding any other law, may not require



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69 a provider of communications services to apply for or enter into
70 an individual license, franchise, or other agreement with the
71 municipality or county as a condition of placing or maintaining
72 communications facilities in its roads or rights-of-way. In
73 addition to other reasonable rules or regulations that a
74 municipality or county may adopt relating to the placement or
75 maintenance of communications facilities in its roads or rights-
76 of-way under this subsection or subsection (7), a municipality
77 or county may require a provider of communications services that
78 places or seeks to place facilities in its roads or rights-of-
79 way to register with the municipality or county. To register, a
80 provider of communications services only may be required to
81 provide its name and to provide the name of the registrant; the
82 name, address, and telephone number of a contact person for the
83 registrant; the number of the registrant's current certificate
84 of authorization issued by the Florida Public Service
85 Commission, the Federal Communications Commission, or the
86 Department of State; a statement as to whether the registrant is
87 a pass-through provider as defined in subparagraph (6)(a)1.; and
88 any required proof of insurance or self-insuring status adequate
89 to defend and cover claims. A municipality or county may not
90 require registration renewal more frequently than every 5 years,
91 but may require that a registrant submit any update within 90
92 days during such period if the registration information provided
93 under this subsection changes. A municipality or county may not
94 require the provision of an inventory of communications
95 facilities, maps, locations of such facilities, or other
96 information by a registrant as a condition of registration,
97 renewal, or for any other purpose; provided, however, that a



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98 municipality or county may require as part of a permit
99 application that the applicant identify at-grade communications
100 facilities within 50 feet of the proposed installation location
101 for the placement of at-grade communications facilities. A
102 municipality or county may not require a provider to pay any
103 fee, cost, or other charge for registration or renewal thereof.
104 It is the intent of the Legislature that the placement,
105 operation, maintenance, upgrading, and extension of
106 communications facilities not be unreasonably interrupted or
107 delayed through the permitting or other local regulatory
108 process. Except as provided in this chapter or otherwise
109 expressly authorized by chapter 202, chapter 364, or chapter
110 610, a municipality or county may not adopt or enforce any
111 ordinance, regulation, or requirement as to the placement or
112 operation of communications facilities in a right-of-way by a
113 communications services provider authorized by state or local
114 law to operate in a right-of-way; regulate any communications
115 services; or impose or collect any tax, fee, cost, charge, or
116 exaction for the provision of communications services over the
117 communications services provider's communications facilities in
118 a right-of-way.

119 (b) Registration described in paragraph (a) does not
120 establish a right to place or maintain, or priority for the
121 placement or maintenance of, a communications facility in roads
122 or rights-of-way of a municipality or county. Each municipality
123 and county retains the authority to regulate and manage
124 municipal and county roads or rights-of-way in exercising its
125 police power, subject to the limitations imposed in this section
126 and chapters 202 and 610. Any rules or regulations adopted by a



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127 municipality or county which govern the occupation of its roads
128 or rights-of-way by providers of communications services must be
129 related to the placement or maintenance of facilities in such
130 roads or rights-of-way, must be reasonable and
131 nondiscriminatory, and may include only those matters necessary
132 to manage the roads or rights-of-way of the municipality or
133 county.

134 (c) Any municipality or county that, as of January 1, 2019,
135 elected to require permit fees from any provider of
136 communications services that use or occupy municipal or county
137 roads or rights-of-way pursuant to former paragraph (c) or
138 former paragraph (j), Florida Statutes 2018, may continue to
139 require and collect such fees. A municipality or county that
140 elected as of such date to require permit fees may elect to
141 forego such fees as provided herein. A municipality or county
142 that elected as of such date not to require permit fees may not
143 elect to impose permit fees

144 ~~1. It is the intention of the state to treat all providers~~
145 ~~of communications services that use or occupy municipal or~~
146 ~~charter county roads or rights-of-way for the provision of~~
147 ~~communications services in a nondiscriminatory and competitively~~
148 ~~neutral manner with respect to the payment of permit fees.~~
149 ~~Certain providers of communications services have been granted~~
150 ~~by general law the authority to offset permit fees against~~
151 ~~franchise or other fees while other providers of communications~~
152 ~~services have not been granted this authority. In order to treat~~
153 ~~all providers of communications services in a nondiscriminatory~~
154 ~~and competitively neutral manner with respect to the payment of~~
155 ~~permit fees, each municipality and charter county shall make an~~



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156 ~~election under either sub-subparagraph a. or sub-subparagraph b.~~
157 ~~and must inform the Department of Revenue of the election by~~
158 ~~certified mail by July 16, 2001. Such election shall take effect~~
159 ~~October 1, 2001.~~

160 ~~a.(I) The municipality or charter county may require and~~
161 ~~collect permit fees from any providers of communications~~
162 ~~services that use or occupy municipal or county roads or rights-~~
163 ~~of-way. All fees authorized ~~permitted~~ under this paragraph ~~sub-~~~~

164 ~~subparagraph~~ must be reasonable and commensurate with the direct
165 and actual cost of the regulatory activity, including issuing
166 and processing permits, plan reviews, physical inspection, and
167 direct administrative costs; must be demonstrable; and must be
168 equitable among users of the roads or rights-of-way. A fee
169 authorized ~~permitted~~ under this paragraph ~~sub-subparagraph~~ may
170 ~~not~~ be offset against the tax imposed under chapter 202;
171 include the costs of roads or rights-of-way acquisition or roads
172 or rights-of-way rental; include any general administrative,
173 management, or maintenance costs of the roads or rights-of-way;
174 or be based on a percentage of the value or costs associated
175 with the work to be performed on the roads or rights-of-way. In
176 an action to recover amounts due for a fee not authorized
177 ~~permitted~~ under this paragraph ~~sub-subparagraph~~, the prevailing
178 party may recover court costs and attorney ~~attorney's~~ fees at
179 trial and on appeal. In addition to the limitations set forth in
180 this section, a fee levied by a municipality or charter county
181 under this paragraph ~~sub-subparagraph~~ may not exceed \$100.
182 However, permit fees may not be imposed with respect to permits
183 that may be required for service drop lines not required to be
184 noticed under s. 556.108(5) ~~s. 556.108(5)(a)2.~~ or for any



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185 activity that does not require the physical disturbance of the
186 roads or rights-of-way or does not impair access to or full use
187 of the roads or rights-of-way, including, but not limited to,
188 any emergency repairs of existing facilities, extensions of such
189 facilities for providing communications services to customers,
190 and the placement of micro wireless facilities in accordance
191 with subparagraph (7) (e)3.

192 ~~(II) To ensure competitive neutrality among providers of~~
193 ~~communications services, for any municipality or charter county~~
194 ~~that elects to exercise its authority to require and collect~~
195 ~~permit fees under this sub-subparagraph, the rate of the local~~
196 ~~communications services tax imposed by such jurisdiction, as~~
197 ~~computed under s. 202.20, shall automatically be reduced by a~~
198 ~~rate of 0.12 percent.~~

199 ~~b. Alternatively, the municipality or charter county may~~
200 ~~elect not to require and collect permit fees from any provider~~
201 ~~of communications services that uses or occupies municipal or~~
202 ~~charter county roads or rights-of-way for the provision of~~
203 ~~communications services; however, each municipality or charter~~
204 ~~county that elects to operate under this sub-subparagraph~~
205 ~~retains all authority to establish rules and regulations for~~
206 ~~providers of communications services to use or occupy roads or~~
207 ~~rights-of-way as provided in this section.~~

208 1. If a municipality or charter county elects to not
209 require permit fees operate under this sub-subparagraph, the
210 total rate for the local communications services tax as computed
211 under s. 202.20 for that municipality or charter county may be
212 increased by ordinance or resolution by an amount not to exceed
213 a rate of 0.12 percent. If a municipality or charter county



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214 ~~elects to increase its rate effective October 1, 2001, the~~
215 ~~municipality or charter county shall inform the department of~~
216 ~~such increased rate by certified mail postmarked on or before~~
217 ~~July 16, 2001.~~

218 ~~e. A municipality or charter county that does not make an~~
219 ~~election as provided for in this subparagraph shall be presumed~~
220 ~~to have elected to operate under the provisions of sub-~~
221 ~~subparagraph b.~~

222 ~~2. Each noncharter county shall make an election under~~
223 ~~either sub-subparagraph a. or sub-subparagraph b. and shall~~
224 ~~inform the Department of Revenue of the election by certified~~
225 ~~mail by July 16, 2001. Such election shall take effect October~~
226 ~~1, 2001.~~

227 ~~a. The noncharter county may elect to require and collect~~
228 ~~permit fees from any providers of communications services that~~
229 ~~use or occupy noncharter county roads or rights-of-way. All fees~~
230 ~~permitted under this sub-subparagraph must be reasonable and~~
231 ~~commensurate with the direct and actual cost of the regulatory~~
232 ~~activity, including issuing and processing permits, plan~~
233 ~~reviews, physical inspection, and direct administrative costs;~~
234 ~~must be demonstrable; and must be equitable among users of the~~
235 ~~roads or rights-of-way. A fee permitted under this sub-~~
236 ~~subparagraph may not: be offset against the tax imposed under~~
237 ~~chapter 202; include the costs of roads or rights-of-way~~
238 ~~acquisition or roads or rights-of-way rental; include any~~
239 ~~general administrative, management, or maintenance costs of the~~
240 ~~roads or rights-of-way; or be based on a percentage of the value~~
241 ~~or costs associated with the work to be performed on the roads~~
242 ~~or rights-of-way. In an action to recover amounts due for a fee~~



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243 ~~not permitted under this sub-subparagraph, the prevailing party~~
244 ~~may recover court costs and attorney's fees at trial and on~~
245 ~~appeal. In addition to the limitations set forth in this~~
246 ~~section, a fee levied by a noncharter county under this sub-~~
247 ~~subparagraph may not exceed \$100. However, permit fees may not~~
248 ~~be imposed with respect to permits that may be required for~~
249 ~~service drop lines not required to be noticed under s.~~
250 ~~556.108(5)(a)2. or for any activity that does not require the~~
251 ~~physical disturbance of the roads or rights-of-way or does not~~
252 ~~impair access to or full use of the roads or rights-of-way.~~

253 ~~b. Alternatively, the noncharter county may elect not to~~
254 ~~require and collect permit fees from any provider of~~
255 ~~communications services that uses or occupies noncharter county~~
256 ~~roads or rights-of-way for the provision of communications~~
257 ~~services; however, each noncharter county that elects to operate~~
258 ~~under this sub-subparagraph shall retain all authority to~~
259 ~~establish rules and regulations for providers of communications~~
260 ~~services to use or occupy roads or rights-of-way as provided in~~
261 ~~this section.~~

262 2. If a noncharter county elects to not require permit fees
263 ~~operate under this sub-subparagraph, the total rate for the~~
264 ~~local communications services tax as computed under s. 202.20~~
265 ~~for that noncharter county may be increased by ordinance or~~
266 ~~resolution by an amount not to exceed a rate of 0.24 percent, to~~
267 ~~replace the revenue the noncharter county would otherwise have~~
268 ~~received from permit fees for providers of communications~~
269 ~~services. If a noncharter county elects to increase its rate~~
270 ~~effective October 1, 2001, the noncharter county shall inform~~
271 ~~the department of such increased rate by certified mail~~



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272 ~~postmarked on or before July 16, 2001.~~

273 ~~e. A noncharter county that does not make an election as~~
274 ~~provided for in this subparagraph shall be presumed to have~~
275 ~~elected to operate under the provisions of sub-subparagraph b.~~

276 ~~3. Except as provided in this paragraph, municipalities and~~
277 ~~counties retain all existing authority to require and collect~~
278 ~~permit fees from users or occupants of municipal or county roads~~
279 ~~or rights-of-way and to set appropriate permit fee amounts.~~

280 (d) ~~After January 1, 2001,~~ In addition to any other notice
281 requirements, a municipality must provide to the Secretary of
282 State, at least 10 days prior to consideration on first reading,
283 notice of a proposed ordinance governing a telecommunications
284 company placing or maintaining telecommunications facilities in
285 its roads or rights-of-way. ~~After January 1, 2001,~~ In addition
286 to any other notice requirements, a county must provide to the
287 Secretary of State, at least 15 days prior to consideration at a
288 public hearing, notice of a proposed ordinance governing a
289 telecommunications company placing or maintaining
290 telecommunications facilities in its roads or rights-of-way. The
291 notice required by this paragraph must be published by the
292 Secretary of State on a designated Internet website. The failure
293 of a municipality or county to provide such notice does not
294 render the ordinance invalid, provided that enforcement of such
295 ordinance must be suspended until 30 days after the municipality
296 or county provides the required notice.

297 (e) The authority of municipalities and counties to require
298 franchise fees from providers of communications services, with
299 respect to the provision of communications services, is
300 specifically preempted by the state because of unique



301 circumstances applicable to providers of communications services
302 when compared to other utilities occupying municipal or county
303 roads or rights-of-way. Providers of communications services may
304 provide similar services in a manner that requires the placement
305 of facilities in municipal or county roads or rights-of-way or
306 in a manner that does not require the placement of facilities in
307 such roads or rights-of-way. Although similar communications
308 services may be provided by different means, the state desires
309 to treat providers of communications services in a
310 nondiscriminatory manner and to have the taxes, franchise fees,
311 and other fees, costs, and financial or regulatory exactions
312 paid by or imposed on providers of communications services be
313 competitively neutral. Municipalities and counties retain all
314 existing authority, if any, to collect franchise fees from users
315 or occupants of municipal or county roads or rights-of-way other
316 than providers of communications services, and the provisions of
317 this subsection shall have no effect upon this authority. The
318 provisions of this subsection do not restrict the authority, if
319 any, of municipalities or counties or other governmental
320 entities to receive reasonable rental fees based on fair market
321 value for the use of public lands and buildings on property
322 outside the public roads or rights-of-way for the placement of
323 communications antennas and towers.

324 (f) Except as expressly allowed or authorized by general
325 law and except for the rights-of-way permit fees subject to
326 paragraph (c), a municipality or county may not levy on a
327 provider of communications services a tax, fee, or other charge
328 or imposition for operating as a provider of communications
329 services within the jurisdiction of the municipality or county



330 which is in any way related to using its roads or rights-of-way.
331 A municipality or county may not require or solicit in-kind
332 compensation, except as otherwise provided in s. 202.24(2)(c)8.
333 or s. 610.109, provided that the in-kind compensation is not a
334 franchise fee under federal law. Nothing in this paragraph shall
335 impair any ordinance or agreement in effect on May 22, 1998, or
336 any voluntary agreement entered into subsequent to that date,
337 which provides for or allows in-kind compensation by a
338 telecommunications company.

339 (g) A municipality or county may not use its authority over
340 the placement of facilities in its roads and rights-of-way as a
341 basis for asserting or exercising regulatory control over a
342 provider of communications services regarding matters within the
343 exclusive jurisdiction of the Florida Public Service Commission
344 or the Federal Communications Commission, including, but not
345 limited to, the operations, systems, equipment, technology,
346 qualifications, services, service quality, service territory,
347 and prices of a provider of communications services. A
348 municipality or county may not require any permit for the
349 maintenance, repair, replacement, extension, or upgrade of
350 existing aerial wireline communications facilities on utility
351 poles or for aerial wireline facilities between existing
352 wireline communications facility attachments on utility poles by
353 a communications services provider. However, a municipality or
354 county may require a right-of-way permit for work that involves
355 excavation, closure of a sidewalk, or closure of a vehicular
356 lane, unless the provider is performing service restoration to
357 existing facilities. A permit application required by an
358 authority under this section for the placement of communications



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359 facilities must be processed and acted upon consistent with the
360 timeframes provided in subparagraphs (7)(d)7.-9. In addition, a
361 municipality or county may not require any permit or other
362 approval, fee, charge, or cost, or other exaction for the
363 maintenance, repair, replacement, extension, or upgrade of
364 existing aerial lines or underground communications facilities
365 located on private property outside of the public rights-of-way.
366 For purposes of this paragraph, an extension of existing
367 facilities includes an extension from the rights-of-way into a
368 customer's private property for the purpose of placing a service
369 drop or an extension from the rights-of-way into a utility
370 easement to provide service to a discrete identifiable customer
371 or group of customers.

372 (h) A provider of communications services that has obtained
373 permission to occupy the roads or rights-of-way of an
374 incorporated municipality pursuant to s. 362.01 or that is
375 otherwise lawfully occupying the roads or rights-of-way of a
376 municipality or county shall not be required to obtain consent
377 to continue such lawful occupation of those roads or rights-of-
378 way; however, nothing in this paragraph shall be interpreted to
379 limit the power of a municipality or county to adopt or enforce
380 reasonable rules or regulations as provided in this section and
381 consistent with chapters 202, 364, and 610. Any such rules or
382 regulations must be in writing, and registered providers of
383 communications services in the municipality or county must be
384 given at least 60 days' advance written notice of any changes to
385 the rules and regulations.

386 (i) Except as expressly provided in this section, this
387 section does not modify the authority of municipalities and



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388 counties to levy the tax authorized in chapter 202 or the duties
389 of providers of communications services under ss. 337.402-
390 337.404. This section does not apply to building permits, pole
391 attachments, or private roads, private easements, and private
392 rights-of-way.

393 ~~(j) Pursuant to this paragraph, any county or municipality~~
394 ~~may by ordinance change either its election made on or before~~
395 ~~July 16, 2001, under paragraph (c) or an election made under~~
396 ~~this paragraph.~~

397 ~~1.a. If a municipality or charter county changes its~~
398 ~~election under this paragraph in order to exercise its authority~~
399 ~~to require and collect permit fees in accordance with this~~
400 ~~subsection, the rate of the local communications services tax~~
401 ~~imposed by such jurisdiction pursuant to ss. 202.19 and 202.20~~
402 ~~shall automatically be reduced by the sum of 0.12 percent plus~~
403 ~~the percentage, if any, by which such rate was increased~~
404 ~~pursuant to sub-subparagraph (c)1.b.~~

405 ~~b. If a municipality or charter county changes its election~~
406 ~~under this paragraph in order to discontinue requiring and~~
407 ~~collecting permit fees, the rate of the local communications~~
408 ~~services tax imposed by such jurisdiction pursuant to ss. 202.19~~
409 ~~and 202.20 may be increased by ordinance or resolution by an~~
410 ~~amount not to exceed 0.24 percent.~~

411 ~~2.a. If a noncharter county changes its election under this~~
412 ~~paragraph in order to exercise its authority to require and~~
413 ~~collect permit fees in accordance with this subsection, the rate~~
414 ~~of the local communications services tax imposed by such~~
415 ~~jurisdiction pursuant to ss. 202.19 and 202.20 shall~~
416 ~~automatically be reduced by the percentage, if any, by which~~



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417 ~~such rate was increased pursuant to sub-subparagraph (c)2.b.~~

418 ~~b. If a noncharter county changes its election under this~~
419 ~~paragraph in order to discontinue requiring and collecting~~
420 ~~permit fees, the rate of the local communications services tax~~
421 ~~imposed by such jurisdiction pursuant to ss. 202.19 and 202.20~~
422 ~~may be increased by ordinance or resolution by an amount not to~~
423 ~~exceed 0.24 percent.~~

424 ~~3.a. Any change of election pursuant to this paragraph and~~
425 ~~any tax rate change resulting from such change of election shall~~
426 ~~be subject to the notice requirements of s. 202.21; however, no~~
427 ~~such change of election shall become effective prior to January~~
428 ~~1, 2003.~~

429 ~~b. Any county or municipality changing its election under~~
430 ~~this paragraph in order to exercise its authority to require and~~
431 ~~collect permit fees shall, in addition to complying with the~~
432 ~~notice requirements under s. 202.21, provide to all dealers~~
433 ~~providing communications services in such jurisdiction written~~
434 ~~notice of such change of election by September 1 immediately~~
435 ~~preceding the January 1 on which such change of election becomes~~
436 ~~effective. For purposes of this sub-subparagraph, dealers~~
437 ~~providing communications services in such jurisdiction shall~~
438 ~~include every dealer reporting tax to such jurisdiction pursuant~~
439 ~~to s. 202.37 on the return required under s. 202.27 to be filed~~
440 ~~on or before the 20th day of May immediately preceding the~~
441 ~~January 1 on which such change of election becomes effective.~~

442 ~~(k)~~ Notwithstanding the provisions of s. 202.19, when a
443 local communications services tax rate is changed as a result of
444 an election made or changed under this subsection, such rate may
445 ~~shall~~ not be rounded to tenths.



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446 (6)

447 (e) This subsection does not alter any provision of this
448 section or s. 202.24 relating to taxes, fees, or other charges
449 or impositions by a municipality or county on a dealer of
450 communications services or authorize that any charges be
451 assessed on a dealer of communications services, except as
452 specifically set forth herein. A municipality or county may not
453 charge a pass-through provider any amounts other than the
454 charges under this subsection as a condition to the placement or
455 maintenance of a communications facility in the roads or rights-
456 of-way of a municipality or county by a pass-through provider,
457 except that a municipality or county may impose permit fees on a
458 pass-through provider consistent with paragraph (3)(c) ~~if the~~
459 ~~municipality or county elects to exercise its authority to~~
460 ~~collect permit fees under paragraph (3)(c).~~

461 (f) The charges under this subsection do not apply to
462 communications facilities placed in a municipality's or county's
463 rights-of-way prior to the effective date of this subsection
464 with permission from the municipality or county, if any was
465 required, except to the extent the facilities of a pass-through
466 provider were subject to per linear foot or mile charges in
467 effect as of October 1, 2001, in which case the municipality or
468 county may only impose on a pass-through provider charges
469 consistent with paragraph (b) or paragraph (c) for such
470 facilities. Notwithstanding the foregoing, this subsection does
471 not impair any written agreement between a pass-through provider
472 and a municipality or county imposing per linear foot or mile
473 charges for communications facilities placed in municipal or
474 county roads or rights-of-way that is in effect prior to the



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475 effective date of this subsection. Upon the termination or
476 expiration of any such written agreement, any charges imposed
477 ~~must shall~~ be consistent with this section ~~paragraph (b) or~~
478 ~~paragraph (c). Notwithstanding the foregoing, until October 1,~~
479 ~~2005, this subsection shall not affect a municipality or county~~
480 ~~continuing to impose charges in excess of the charges authorized~~
481 ~~in this subsection on facilities of a pass-through provider that~~
482 ~~is not a dealer of communications services in the state under~~
483 ~~chapter 202, but only to the extent such charges were imposed by~~
484 ~~municipal or county ordinance or resolution adopted prior to~~
485 ~~February 1, 2002. Effective October 1, 2005, any charges imposed~~
486 ~~shall be consistent with paragraph (b) or paragraph (c).~~

487 (7)

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

489 1. "Antenna" means communications equipment that transmits
490 or receives electromagnetic radio frequency signals used in
491 providing wireless services.

492 2. "Applicable codes" means uniform building, fire,
493 electrical, plumbing, or mechanical codes adopted by a
494 recognized national code organization or local amendments to
495 those codes enacted solely to address threats of destruction of
496 property or injury to persons; the National Electric Safety
497 Code; and the 2017 edition of the Department of Transportation
498 Utility Accommodation Manual, ~~or local codes or ordinances~~
499 ~~adopted to implement this subsection. The term includes~~
500 ~~objective design standards adopted by ordinance that may require~~
501 ~~a new utility pole that replaces an existing utility pole to be~~
502 ~~of substantially similar design, material, and color or that may~~
503 ~~require reasonable spacing requirements concerning the location~~



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504 ~~of ground-mounted equipment. The term includes objective design~~
505 ~~standards adopted by ordinance that may require a small wireless~~
506 ~~facility to meet reasonable location context, color, stealth,~~
507 ~~and concealment requirements; however, such design standards may~~
508 ~~be waived by the authority upon a showing that the design~~
509 ~~standards are not reasonably compatible for the particular~~
510 ~~location of a small wireless facility or that the design~~
511 ~~standards impose an excessive expense. The waiver shall be~~
512 ~~granted or denied within 45 days after the date of the request.~~

513 3. "Applicant" means a person who submits an application
514 and is a wireless provider.

515 4. "Application" means a request submitted by an applicant
516 to an authority for a permit to collocate small wireless
517 facilities or to place a new utility pole used to support a
518 small wireless facility.

519 5. "Authority" means a county or municipality having
520 jurisdiction and control of the rights-of-way of any public
521 road. The term does not include the Department of
522 Transportation. Rights-of-way under the jurisdiction and control
523 of the department are excluded from this subsection.

524 6. "Authority utility pole" means a utility pole owned by
525 an authority in the right-of-way. The term does not include a
526 utility pole owned by a municipal electric utility, a utility
527 pole used to support municipally owned or operated electric
528 distribution facilities, or a utility pole located in the right-
529 of-way within:

530 a. A retirement community that:

531 (I) Is deed restricted as housing for older persons as
532 defined in s. 760.29(4)(b);



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533 (II) Has more than 5,000 residents; and
534 (III) Has underground utilities for electric transmission
535 or distribution.
536 b. A municipality that:
537 (I) Is located on a coastal barrier island as defined in s.
538 161.053(1)(b)3.;
539 (II) Has a land area of less than 5 square miles;
540 (III) Has less than 10,000 residents; and
541 (IV) Has, before July 1, 2017, received referendum approval
542 to issue debt to finance municipal-wide undergrounding of its
543 utilities for electric transmission or distribution.
544 7. "Collocate" or "collocation" means to install, mount,
545 maintain, modify, operate, or replace one or more wireless
546 facilities on, under, within, or adjacent to a wireless support
547 structure or utility pole. The term does not include the
548 installation of a new utility pole or wireless support structure
549 in the public rights-of-way.
550 8. "FCC" means the Federal Communications Commission.
551 9. "Micro wireless facility" means a small wireless
552 facility having dimensions no larger than 24 inches in length,
553 15 inches in width, and 12 inches in height and an exterior
554 antenna, if any, no longer than 11 inches.
555 10. "Small wireless facility" means a wireless facility
556 that meets the following qualifications:
557 a. Each antenna associated with the facility is located
558 inside an enclosure of no more than 6 cubic feet in volume or,
559 in the case of antennas that have exposed elements, each antenna
560 and all of its exposed elements could fit within an enclosure of
561 no more than 6 cubic feet in volume; and



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562 b. All other wireless equipment associated with the
563 facility is cumulatively no more than 28 cubic feet in volume.
564 The following types of associated ancillary equipment are not
565 included in the calculation of equipment volume: electric
566 meters, concealment elements, telecommunications demarcation
567 boxes, ground-based enclosures, grounding equipment, power
568 transfer switches, cutoff switches, vertical cable runs for the
569 connection of power and other services, and utility poles or
570 other support structures.

571 11. "Utility pole" means a pole or similar structure that
572 is used in whole or in part to provide communications services
573 or for electric distribution, lighting, traffic control,
574 signage, or a similar function. The term includes the vertical
575 support structure for traffic lights but does not include a
576 horizontal structure to which signal lights or other traffic
577 control devices are attached and does not include a pole or
578 similar structure 15 feet in height or less unless an authority
579 grants a waiver for such pole.

580 12. "Wireless facility" means equipment at a fixed location
581 which enables wireless communications between user equipment and
582 a communications network, including radio transceivers,
583 antennas, wires, coaxial or fiber-optic cable or other cables,
584 regular and backup power supplies, and comparable equipment,
585 regardless of technological configuration, and equipment
586 associated with wireless communications. The term includes small
587 wireless facilities. The term does not include:

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

590 b. Wireline backhaul facilities; or



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

594 13. "Wireless infrastructure provider" means a person who
595 has been certificated under chapter 364 to provide
596 telecommunications service or certificated under chapter 610 to
597 provide cable or video services in this state, or such person's
598 affiliate, in the state and who builds or installs wireless
599 communication transmission equipment, wireless facilities, or
600 wireless support structures but is not a wireless services
601 provider.

602 14. "Wireless provider" means a wireless infrastructure
603 provider or a wireless services provider.

604 15. "Wireless services" means any services provided using
605 licensed or unlicensed spectrum, whether at a fixed location or
606 mobile, using wireless facilities.

607 16. "Wireless services provider" means a person who
608 provides wireless services.

609 17. "Wireless support structure" means a freestanding
610 structure, such as a monopole, a guyed or self-supporting tower,
611 or another existing or proposed structure designed to support or
612 capable of supporting wireless facilities. The term does not
613 include a utility pole, pedestal, or other support structure for
614 ground-based equipment not mounted on a utility pole and less
615 than 10 feet in height.

616 (c) Except as provided in this subsection, an authority may
617 not prohibit, regulate, or charge for the collocation of small
618 wireless facilities in the public rights-of-way or for the
619 installation, maintenance, modification, operation, or



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620 replacement of utility poles used for the collocation of small
621 wireless facilities in the public rights-of-way.

622 (d) An authority may require a registration process and
623 permit fees in accordance with subsection (3). An authority
624 shall accept applications for permits and shall process and
625 issue permits subject to the following requirements:

626 1. An authority may not directly or indirectly require an
627 applicant to perform services unrelated to the collocation for
628 which approval is sought, such as in-kind contributions to the
629 authority, including reserving fiber, conduit, or pole space for
630 the authority.

631 2. An applicant may not be required to provide more
632 information to obtain a permit than is necessary to demonstrate
633 the applicant's compliance with applicable codes for the
634 placement of small wireless facilities in the locations
635 identified in the application. An applicant may not be required
636 to provide inventories, maps, or locations of communications
637 facilities in the right-of-way other than as necessary to avoid
638 interference with other at-grade or aerial facilities located at
639 the specific location proposed for a small wireless facility or
640 within 50 feet of such location.

641 3. An authority may not:

642 a. Require the placement of small wireless facilities on
643 any specific utility pole or category of poles; ~~or~~

644 b. Require the placement of multiple antenna systems on a
645 single utility pole;

646 c. Except as provided in paragraph (7)(i), require a
647 demonstration that collocation of a small wireless facility on
648 an existing structure is not legally or technically possible as



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649 a condition for granting a permit for the collocation of a small
650 wireless facility on a new utility pole;

651 d. Require compliance with an authority's provisions
652 regarding placement of small wireless facilities or a new
653 utility pole used to support a small wireless facility in
654 rights-of-way under the control of the department, unless the
655 authority has received a delegation from the department for the
656 location of the small wireless facility or utility pole; or
657 require such compliance as a condition to receive a permit that
658 is ancillary to the permit for collocation of a small wireless
659 facility, including an electrical permit;

660 e. Require a meeting before filing an application;

661 f. Require direct or indirect public notification or a
662 public meeting for the placement of communication facilities in
663 the right-of-way;

664 g. Limit the size or configuration of a small wireless
665 facility or any of its components, if the small wireless
666 facility complies with the size limits in this subsection;

667 h. Prohibit the installation of a new utility pole used to
668 support the collocation of a small wireless facility if the
669 installation otherwise meets the requirements of this
670 subsection; or

671 i. Except as provided in paragraph (7) (i), require that any
672 component of a small wireless facility be placed underground.

673 4. Subject to paragraph (r), an authority may not limit the
674 placement, by minimum separation distances, of small wireless
675 facilities, utility poles on which small wireless facilities are
676 or will be collocated, or other at-grade communications
677 facilities by minimum separation distances. However, within 14



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678 days after the date of filing the application, an authority may
679 request that the proposed location of a small wireless facility
680 be moved to another location in the right-of-way and placed on
681 an alternative authority utility pole or support structure or
682 placed on ~~may place~~ a new utility pole. The authority and the
683 applicant may negotiate the alternative location, including any
684 objective design standards and reasonable spacing requirements
685 for ground-based equipment, for 30 days after the date of the
686 request. At the conclusion of the negotiation period, if the
687 alternative location is accepted by the applicant, the applicant
688 must notify the authority of such acceptance and the application
689 shall be deemed granted for any new location for which there is
690 agreement and all other locations in the application. If an
691 agreement is not reached, the applicant must notify the
692 authority of such nonagreement and the authority must grant or
693 deny the original application within 90 days after the date the
694 application was filed. A request for an alternative location, an
695 acceptance of an alternative location, or a rejection of an
696 alternative location must be in writing and provided by
697 electronic mail.

698 5. An authority shall limit the height of a small wireless
699 facility to 10 feet above the utility pole or structure upon
700 which the small wireless facility is to be collocated. Unless
701 waived by an authority, the height for a new utility pole is
702 limited to the tallest existing utility pole as of July 1, 2017,
703 located in the same right-of-way, other than a utility pole for
704 which a waiver has previously been granted, measured from grade
705 in place within 500 feet of the proposed location of the small
706 wireless facility. If there is no utility pole within 500 feet,



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707 the authority shall limit the height of the utility pole to 50
708 feet.

709 6. ~~Except as provided in subparagraphs 4. and 5.,~~ The
710 installation by a communications services provider of a utility
711 pole in the public rights-of-way, other than a utility pole used
712 ~~designed~~ to support a small wireless facility, is ~~shall be~~
713 subject to authority rules or regulations governing the
714 placement of utility poles in the public rights-of-way ~~and shall~~
715 ~~be subject to the application review timeframes in this~~
716 ~~subsection.~~

717 7. Within 14 days after receiving an application, an
718 authority must determine and notify the applicant by electronic
719 mail as to whether the application is complete. If an
720 application is deemed incomplete, the authority must
721 specifically identify the missing information. An application is
722 deemed complete if the authority fails to provide notification
723 to the applicant within 14 days.

724 8. An application must be processed on a nondiscriminatory
725 basis. A complete application is deemed approved if an authority
726 fails to approve or deny the application within 60 days after
727 receipt of the application. If an authority does not use the 30-
728 day negotiation period provided in subparagraph 4., the parties
729 may mutually agree to extend the 60-day application review
730 period. The authority shall grant or deny the application at the
731 end of the extended period. A permit issued pursuant to an
732 approved application shall remain effective for 1 year unless
733 extended by the authority.

734 9. An authority must notify the applicant of approval or
735 denial by electronic mail. An authority shall approve a complete



736 application unless it does not meet the authority's applicable
737 codes. If the application is denied, the authority must specify
738 in writing the basis for denial, including the specific code
739 provisions on which the denial was based, and send the
740 documentation to the applicant by electronic mail on the day the
741 authority denies the application. The applicant may cure the
742 deficiencies identified by the authority and resubmit the
743 application within 30 days after notice of the denial is sent to
744 the applicant. The authority shall approve or deny the revised
745 application within 30 days after receipt or the application is
746 deemed approved. The review of a revised application is Any
747 ~~subsequent review shall be~~ limited to the deficiencies cited in
748 the denial. If an authority provides for administrative review
749 of a denial of an application, the review must be completed and
750 a written decision must be issued within 45 days after a written
751 request for review is received. A denial must specify the
752 specific code provisions on which the denial is based. If the
753 administrative review is not complete within such period, the
754 authority waives any claim regarding the failure to exhaust
755 administrative remedies in any judicial review of the denial of
756 an application.

757 10. An applicant seeking to collocate small wireless
758 facilities within the jurisdiction of a single authority may, at
759 the applicant's discretion, file a consolidated application and
760 receive a single permit for the collocation of up to 30 small
761 wireless facilities. If the application includes multiple small
762 wireless facilities, an authority may separately address small
763 wireless facility collocations for which incomplete information
764 has been received or which are denied.



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765 11. An authority may deny an application to place a
766 ~~proposed collocation of~~ a small wireless facility or a utility
767 pole used to support a small wireless facility in the public
768 rights-of-way if the proposed small wireless facility or utility
769 pole collocation:

770 a. Materially interferes with the safe operation of traffic
771 control equipment.

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

774 c. Materially interferes with compliance with the Americans
775 with Disabilities Act or similar federal or state standards
776 regarding pedestrian access or movement.

777 d. Materially fails to comply with the 2017 ~~2010~~ edition of
778 the Florida Department of Transportation Utility Accommodation
779 Manual.

780 e. Fails to comply with applicable codes.

781 f. Fails to comply with objective design standards
782 authorized under paragraph (r).

783 12. An authority may adopt by ordinance provisions for
784 insurance coverage, indemnification, ~~performance bonds, security~~
785 ~~funds,~~ force majeure, abandonment, authority liability, or
786 authority warranties. Such provisions must be reasonable and
787 nondiscriminatory. An authority may require a construction bond
788 to secure restoration of the postconstruction rights-of-way to
789 its preconstruction condition. However, such bond must be time-
790 limited to no more than 1 year after the construction to which
791 the bond applies is completed. For any financial obligation
792 required by an authority and authorized under this section, the
793 authority shall accept a letter of credit or similar financial



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794 instrument issued by any financial institution that is
795 authorized to do business within the United States, provided
796 that a claim against the financial instrument may be made by
797 electronic means, including by facsimile. A provider of
798 communications services may add an authority to any existing
799 bond, insurance policy, or other relevant financial instrument,
800 and the authority must accept such proof of coverage without any
801 conditions other than consent to venue for purposes of any
802 litigation to which the authority is a party. An authority may
803 not require a communications services provider to indemnify it
804 for liabilities not caused by the provider, including
805 liabilities arising from the authority's negligence, gross
806 negligence, or willful conduct.

807 13. Collocation of a small wireless facility on an
808 authority utility pole does not provide the basis for the
809 imposition of an ad valorem tax on the authority utility pole.

810 14. An authority may reserve space on authority utility
811 poles for future public safety uses. However, a reservation of
812 space may not preclude collocation of a small wireless facility.
813 If replacement of the authority utility pole is necessary to
814 accommodate the collocation of the small wireless facility and
815 the future public safety use, the pole replacement is subject to
816 make-ready provisions and the replaced pole shall accommodate
817 the future public safety use.

818 15. A structure granted a permit and installed pursuant to
819 this subsection shall comply with chapter 333 and federal
820 regulations pertaining to airport airspace protections.

821 (e) An authority may not require any permit or other
822 approval or require fees, ~~or other~~ charges, costs, or other



823 exactions for:

824 1. Routine maintenance or repair work, including, but not
825 limited to, emergency repairs of existing facilities or
826 extensions of such facilities for providing communications
827 services to customers;

828 2. Replacement of existing wireless facilities with
829 wireless facilities that are substantially similar or of the
830 same or smaller size; or

831 3. Installation, placement, maintenance, or replacement of
832 micro wireless facilities that are suspended on cables strung
833 between existing utility poles in compliance with applicable
834 codes by or for a communications services provider authorized to
835 occupy the rights-of-way and who is remitting taxes under
836 chapter 202. An authority may require an initial letter from or
837 on behalf of such provider attesting that the micro wireless
838 facility dimensions comply with the limits of this subsection.
839 Such letter is effective upon filing. The authority may not
840 require any additional filing or other information as long as
841 the provider is deploying the same, a substantially similar, or
842 a smaller size micro wireless facility equipment.

843
844 Notwithstanding this paragraph, an authority may require a
845 right-of-way permit for work that involves excavation, closure
846 of a sidewalk, or closure of a vehicular lane or parking lane,
847 unless the provider is performing service restoration on an
848 existing facility and the work is done in compliance with the
849 2017 edition of the Department of Transportation Utility
850 Accommodation Manual. An authority may require notice of such
851 work within 30 days after restoration and may require an after-



852 the-fact permit for work that would otherwise have required a
853 permit.

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

856 1. An authority may not enter into an exclusive arrangement
857 with any person for the right to attach equipment to authority
858 utility poles.

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

862 3. The rate to collocate small wireless facilities on an
863 authority utility pole may not exceed \$150 per pole annually.

864 4. Agreements between authorities and wireless providers
865 that are in effect on July 1, 2017, and that relate to the
866 collocation of small wireless facilities in the right-of-way,
867 including the collocation of small wireless facilities on
868 authority utility poles, remain in effect, subject to applicable
869 termination provisions. The wireless provider may accept the
870 rates, fees, and terms established under this subsection for
871 small wireless facilities and utility poles that are the subject
872 of an application submitted after the rates, fees, and terms
873 become effective.

874 5. A person owning or controlling an authority utility pole
875 shall offer rates, fees, and other terms that comply with this
876 subsection. By the later of January 1, 2018, or 3 months after
877 receiving a request to collocate its first small wireless
878 facility on a utility pole owned or controlled by an authority,
879 the person owning or controlling the authority utility pole
880 shall make available, through ordinance or otherwise, rates,



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881 fees, and terms for the collocation of small wireless facilities
882 on the authority utility pole which comply with this subsection.

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

885 b. For an authority utility pole that supports an aerial
886 facility used to provide communications services or electric
887 service, the parties shall comply with the process for make-
888 ready work under 47 U.S.C. s. 224 and implementing regulations.
889 The good faith estimate of the person owning or controlling the
890 pole for any make-ready work necessary to enable the pole to
891 support the requested collocation must include pole replacement
892 if necessary.

893 c. For an authority utility pole that does not support an
894 aerial facility used to provide communications services or
895 electric service, the authority shall provide a good faith
896 estimate for any make-ready work necessary to enable the pole to
897 support the requested collocation, including necessary pole
898 replacement, within 60 days after receipt of a complete
899 application. Make-ready work, including any pole replacement,
900 must be completed within 60 days after written acceptance of the
901 good faith estimate by the applicant. Alternatively, an
902 authority may require the applicant seeking to collocate a small
903 wireless facility to provide a make-ready estimate at the
904 applicant's expense for the work necessary to support the small
905 wireless facility, including pole replacement, and perform the
906 make-ready work. If pole replacement is required, the scope of
907 the make-ready estimate is limited to the design, fabrication,
908 and installation of a utility pole that is substantially similar
909 in color and composition. The authority may not condition or



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910 restrict the manner in which the applicant obtains, develops, or
911 provides the estimate or conducts the make-ready work subject to
912 usual construction restoration standards for work in the right-
913 of-way. The replaced or altered utility pole shall remain the
914 property of the authority.

915 d. An authority may not require more make-ready work than
916 is required to meet applicable codes or industry standards. Fees
917 for make-ready work may not include costs related to preexisting
918 damage or prior noncompliance. Fees for make-ready work,
919 including any pole replacement, may not exceed actual costs or
920 the amount charged to communications services providers other
921 than wireless services providers for similar work and may not
922 include any consultant fee or expense.

923 (g) For any applications filed before the effective date of
924 ordinances implementing this subsection, an authority may apply
925 current ordinances relating to placement of communications
926 facilities in the right-of-way related to registration,
927 permitting, insurance coverage, indemnification, ~~performance~~
928 ~~bonds, security funds,~~ force majeure, abandonment, authority
929 liability, or authority warranties. Permit application
930 requirements and small wireless facility placement requirements,
931 including utility pole height limits, that conflict with this
932 subsection must shall be waived by the authority. An authority
933 may not institute, either expressly or de facto, a moratorium, a
934 zoning-in-progress, or any other mechanism that would prohibit
935 or delay the filing, receiving, or processing of registrations,
936 applications, or issuing of permits or other approvals for the
937 collocation of small wireless facilities or the installation,
938 modification, or replacement of utility poles used to support



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939 the collocation of small wireless facilities.

940 (i)1. In an area where an authority has required all public
941 utility lines in the right-of-way to be placed underground, a
942 wireless provider shall comply with written, objective,
943 reasonable, and nondiscriminatory requirements that prohibit new
944 utility poles used to support small wireless facilities, if:

945 a. The authority has required all public utility lines to
946 be placed underground at least 3 months before the submission of
947 the application; and

948 b. Structures the authority allows to remain above ground
949 are reasonably available to wireless providers for the
950 collocation of small wireless facilities and may be replaced by
951 a wireless provider to accommodate the collocation of small
952 wireless facilities.

953 2. A wireless provider may install a new utility pole in
954 the designated area in the right-of-way which otherwise complies
955 with this subsection if it is not reasonably able to provide
956 wireless service by collocating on a remaining utility pole or
957 other structure in the right-of-way.

958 3. For small wireless facilities installed before an
959 authority adopts a requirement that public utility lines be
960 placed underground, an authority adopting such requirement
961 shall:

962 a. Permit a wireless provider to maintain the small
963 wireless facilities in place, subject to any applicable pole
964 attachment agreement with the pole owner; or

965 b. Permit the wireless provider to replace the associated
966 pole within 50 feet of the prior location ~~A wireless provider~~
967 ~~shall, in relation to a small wireless facility, utility pole,~~



968 ~~or wireless support structure in the public rights of way,~~
969 ~~comply with nondiscriminatory undergrounding requirements of an~~
970 ~~authority that prohibit above-ground structures in public~~
971 ~~rights of way. Any such requirements may be waived by the~~
972 ~~authority.~~

973 (r) An authority may require wireless providers to comply
974 with objective design standards adopted by ordinance. The
975 ordinance may only require:

976 1. A new utility pole that replaces an existing utility
977 pole to be of substantially similar design, material, and color;

978 2. Reasonable spacing concerning the location of a ground-
979 mounted component of a small wireless facility which does not
980 exceed 15 feet from the associated support structure;

981 3. A small wireless facility to meet reasonable location
982 context, color, camouflage, and concealment requirements,
983 subject to the limitations of this subsection; and

984 4. A new utility pole used to support a small wireless
985 facility to meet reasonable location context, color, and
986 material of the predominant utility pole type at the proposed
987 location of the new utility pole.

988
989 The design standards under this paragraph may be waived by the
990 authority upon a showing that the design standards are not
991 reasonably compatible for the particular location of a small
992 wireless facility or utility pole, are technically infeasible,
993 or impose an excessive expense. The waiver must be granted or
994 denied within 45 days after the date of the request.

995 (8) (a) Any person aggrieved by a violation of this section
996 may bring a civil action in a United States District Court or in



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997 any other court of competent jurisdiction.

998 (b) The court may:

999 1. Grant temporary or permanent injunctions on terms as it
1000 may deem reasonable to prevent or restrain violations of this
1001 section; and

1002 2. Direct the recovery of full costs, including awarding
1003 reasonable attorney fees, to the prevailing party.

1004 Section 3. The Legislature intends that this act not be
1005 construed to delay the issuance of permits for other utility
1006 work, including, but not limited to, those related to
1007 electricity and gas work in the rights-of-way. All utility work
1008 under chapter 337, Florida Statutes, must comply with the 2017
1009 edition of the Department of Transportation Utility
1010 Accommodation Manual.

1011 Section 4. This act shall take effect July 1, 2019.

1012

1013 ===== T I T L E A M E N D M E N T =====

1014 And the title is amended as follows:

1015 Delete everything before the enacting clause
1016 and insert:

1017 A bill to be entitled

1018 An act relating to communications services; amending
1019 s. 202.20, F.S.; conforming a cross-reference;
1020 amending s. 337.401, F.S.; revising legislative
1021 intent; providing that a municipality or county may
1022 only require specified registration information of
1023 communications services providers that place or seek
1024 to place facilities in roads or rights-of-way;
1025 specifying limitations on, and prohibited and



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1026 authorized acts by, municipalities and counties
1027 relating to registrations, registration renewals, and
1028 permit applications of communications services
1029 providers; prohibiting municipalities and counties
1030 from certain actions relating to communications
1031 facilities and communications services; prohibiting
1032 municipalities and counties that elected not to
1033 require permit fees as of a certain date from imposing
1034 such fees; deleting provisions relating to such
1035 elections; adding activities for which permit fees may
1036 not be imposed; providing that a municipality's or
1037 county's failure to provide a certain notice of
1038 proposed ordinance to the Secretary of State suspends
1039 enforcement of the ordinance for a certain timeframe;
1040 specifying a condition for certain in-kind
1041 compensation required or solicited by municipalities
1042 or counties; specifying prohibited and authorized
1043 permit requirements by municipalities and counties for
1044 certain communications facility activities; specifying
1045 requirements for certain rules and regulations
1046 relating to occupation of roads or rights-of-way;
1047 deleting an obsolete provision; revising definitions
1048 under the Advanced Wireless Infrastructure Deployment
1049 Act; prohibiting authorities from prohibiting,
1050 regulating, or charging for certain activities
1051 relating to certain utility poles; prohibiting
1052 authorities from requiring certain information or
1053 conditions from permit applicants relating to small
1054 wireless facilities and utility poles used to support



1055 such facilities; revising applicability of authority
1056 rules or regulations as to utility poles; specifying
1057 requirements and procedures for the administrative
1058 review of application denials; revising and specifying
1059 bases on which authorities may deny applications
1060 relating to small wireless facilities and certain
1061 utility poles; revising the authority of authorities
1062 relating to bonding, security, and indemnification
1063 requirements; specifying and revising prohibited acts
1064 of authorities relating to permitting requirements and
1065 charges; authorizing authorities to require certain
1066 filings and notices under certain circumstances;
1067 prohibiting certain actions by authorities which would
1068 prohibit or delay certain permits or approvals;
1069 revising requirements for wireless providers in
1070 complying with certain undergrounding requirements;
1071 providing an exception; specifying requirements for an
1072 authority relating to small wireless facilities
1073 installed before the authority adopts a certain
1074 requirement; authorizing authorities to require
1075 wireless providers to comply with specified objective
1076 design standards; authorizing authorities to waive
1077 such standards under certain circumstances; requiring
1078 that such waiver be granted or denied within a certain
1079 timeframe; authorizing a civil remedy for persons
1080 aggrieved by certain violations; authorizing the court
1081 to grant certain remedies; providing legislative
1082 intent; requiring certain utility work to comply with
1083 certain standards; providing an effective date.