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LEGISLATIVE ACTION

Senate

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House

The Committee on Innovation, Industry, and Technology (Hutson) recommended the following:

Senate Amendment (with title amendment)

Delete lines 49 - 299

and insert:

Section 2. 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



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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.



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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 3. Subsection (3), paragraphs (e) and (f) of
44 subsection (6), and paragraphs (b), (c), (d), (e), (f), (g), and
45 (i) of subsection (7) of section 337.401, Florida Statutes, are
46 amended, and subsection (8) is added to that section, to read:

47 337.401 Use of right-of-way for utilities subject to
48 regulation; permit; fees.—

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



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69 or enter into an individual license, franchise, or other
70 agreement with the municipality or county as a condition of
71 placing or maintaining communications facilities in its roads or
72 rights-of-way. In addition to other reasonable rules or
73 regulations that a municipality or county may adopt relating to
74 the placement or maintenance of communications facilities in its
75 roads or rights-of-way under this subsection or subsection (7),
76 a municipality or county may require a provider of
77 communications services that places or seeks to place facilities
78 in its roads or rights-of-way to register with the municipality
79 or county. To register, a provider of communications services
80 only may be required to provide its name and to provide the name
81 of the registrant; the name, address, and telephone number of a
82 contact person for the registrant; the number of the
83 registrant's current certificate of authorization issued by the
84 Florida Public Service Commission, the Federal Communications
85 Commission, or the Department of State; and any required proof
86 of insurance or self-insuring status adequate to defend and
87 cover claims. A municipality or county may not require the
88 provision of an inventory of communications facilities, maps,
89 locations of such facilities, or other information by a
90 registrant as a condition of registration, renewal, or for any
91 other purpose; provided, however, that a municipality or county
92 may require as part of a permit application that the applicant
93 identify at-grade communications facilities within 25 feet of
94 the proposed installation location for the placement of at-grade
95 communications facilities. A municipality or county may not
96 require registration renewal more frequently than every 5 years.
97 A municipality or county may not require a provider to pay any



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

114 (b) Registration described in paragraph (a) does not
115 establish a right to place or maintain, or priority for the
116 placement or maintenance of, a communications facility in roads
117 or rights-of-way of a municipality or county. Each municipality
118 and county retains the authority to regulate and manage
119 municipal and county roads or rights-of-way in exercising its
120 police power, subject to the limitations imposed in this section
121 and chapters 202 and 610. Any rules or regulations adopted by a
122 municipality or county which govern the occupation of its roads
123 or rights-of-way by providers of communications services must be
124 related to the placement or maintenance of facilities in such
125 roads or rights-of-way, must be reasonable and
126 nondiscriminatory, and may include only those matters necessary



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127 to manage the roads or rights-of-way of the municipality or
128 county.

129 (c) Any municipality or county that, as of January 1, 2019,
130 elected to require permit fees from any provider of
131 communications services that uses or occupy municipal or county
132 road or rights-of-way pursuant to former paragraph (c) or
133 paragraph (j), Florida Statutes 2018, may continue to require
134 and collect such fees. A municipality or county that elected as
135 of such date to require permit fees may elect to forego such
136 fees as provided herein. A municipality or county that elected
137 as of such date not to require permit fees may not elect to
138 impose permit fees.

139 ~~1. It is the intention of the state to treat all providers~~
140 ~~of communications services that use or occupy municipal or~~
141 ~~charter county roads or rights-of-way for the provision of~~
142 ~~communications services in a nondiscriminatory and competitively~~
143 ~~neutral manner with respect to the payment of permit fees.~~
144 ~~Certain providers of communications services have been granted~~
145 ~~by general law the authority to offset permit fees against~~
146 ~~franchise or other fees while other providers of communications~~
147 ~~services have not been granted this authority. In order to treat~~
148 ~~all providers of communications services in a nondiscriminatory~~
149 ~~and competitively neutral manner with respect to the payment of~~
150 ~~permit fees, each municipality and charter county shall make an~~
151 ~~election under either sub-subparagraph a. or sub-subparagraph b.~~
152 ~~and must inform the Department of Revenue of the election by~~
153 ~~certified mail by July 16, 2001. Such election shall take effect~~
154 ~~October 1, 2001.~~

155 ~~a.(I) The municipality or charter county may require and~~



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156 ~~collect permit fees from any providers of communications~~
157 ~~services that use or occupy municipal or county roads or rights-~~
158 ~~of-way.~~ All fees authorized ~~permitted~~ under this paragraph ~~sub-~~
159 ~~subparagraph~~ must be reasonable and commensurate with the direct
160 and actual cost of the regulatory activity, including issuing
161 and processing permits, plan reviews, physical inspection, and
162 direct administrative costs; must be demonstrable; and must be
163 equitable among users of the roads or rights-of-way. A fee
164 authorized ~~permitted~~ under this paragraph ~~sub-subparagraph~~ may
165 not~~+~~ be offset against the tax imposed under chapter 202;
166 include the costs of roads or rights-of-way acquisition or roads
167 or rights-of-way rental; include any general administrative,
168 management, or maintenance costs of the roads or rights-of-way;
169 or be based on a percentage of the value or costs associated
170 with the work to be performed on the roads or rights-of-way. In
171 an action to recover amounts due for a fee not authorized
172 ~~permitted~~ under this paragraph ~~sub-subparagraph~~, the prevailing
173 party may recover court costs and attorney ~~attorney's~~ fees at
174 trial and on appeal. In addition to the limitations set forth in
175 this section, a fee levied by a municipality or charter county
176 under this paragraph ~~sub-subparagraph~~ may not exceed \$100.
177 However, permit fees may not be imposed with respect to permits
178 that may be required for service drop lines not required to be
179 noticed under s. 556.108(5) ~~s. 556.108(5)(a)2.~~ or for any
180 activity that does not require the physical disturbance of the
181 roads or rights-of-way or does not impair access to or full use
182 of the roads or rights-of-way, including, but not limited to,
183 any emergency repairs of existing lawfully placed facilities,
184 extensions of such facilities for providing communications



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185 services to customers, and the placement of micro wireless
186 facilities in accordance with subparagraph (7)(e)3.

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

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

203 1. If a municipality or charter county elects to not
204 require permit fees ~~operate under this sub-subparagraph, the~~
205 ~~total rate for the local communications services tax as computed~~
206 ~~under s. 202.20 for that municipality or charter county may be~~
207 ~~increased by ordinance or resolution by an amount not to exceed~~
208 ~~a rate of 0.12 percent. If a municipality or charter county~~
209 ~~elects to increase its rate effective October 1, 2001, the~~
210 ~~municipality or charter county shall inform the department of~~
211 ~~such increased rate by certified mail postmarked on or before~~
212 ~~July 16, 2001.~~

213 ~~e. A municipality or charter county that does not make an~~



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214 ~~election as provided for in this subparagraph shall be presumed~~
215 ~~to have elected to operate under the provisions of sub-~~
216 ~~subparagraph b.~~

217 ~~2. Each noncharter county shall make an election under~~
218 ~~either sub-subparagraph a. or sub-subparagraph b. and shall~~
219 ~~inform the Department of Revenue of the election by certified~~
220 ~~mail by July 16, 2001. Such election shall take effect October~~
221 ~~1, 2001.~~

222 ~~a. The noncharter county may elect to require and collect~~
223 ~~permit fees from any providers of communications services that~~
224 ~~use or occupy noncharter county roads or rights-of-way. All fees~~
225 ~~permitted under this sub-subparagraph must be reasonable and~~
226 ~~commensurate with the direct and actual cost of the regulatory~~
227 ~~activity, including issuing and processing permits, plan~~
228 ~~reviews, physical inspection, and direct administrative costs;~~
229 ~~must be demonstrable; and must be equitable among users of the~~
230 ~~roads or rights-of-way. A fee permitted under this sub-~~
231 ~~subparagraph may not: be offset against the tax imposed under~~
232 ~~chapter 202; include the costs of roads or rights-of-way~~
233 ~~acquisition or roads or rights-of-way rental; include any~~
234 ~~general administrative, management, or maintenance costs of the~~
235 ~~roads or rights-of-way; or be based on a percentage of the value~~
236 ~~or costs associated with the work to be performed on the roads~~
237 ~~or rights-of-way. In an action to recover amounts due for a fee~~
238 ~~not permitted under this sub-subparagraph, the prevailing party~~
239 ~~may recover court costs and attorney's fees at trial and on~~
240 ~~appeal. In addition to the limitations set forth in this~~
241 ~~section, a fee levied by a noncharter county under this sub-~~
242 ~~subparagraph may not exceed \$100. However, permit fees may not~~



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243 ~~be imposed with respect to permits that may be required for~~
244 ~~service drop lines not required to be noticed under s.~~
245 ~~556.108(5)(a)2. or for any activity that does not require the~~
246 ~~physical disturbance of the roads or rights-of-way or does not~~
247 ~~impair access to or full use of the roads or rights-of-way.~~

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

257 2. If a noncharter county elects to not require permit fees
258 ~~operate under this sub-subparagraph, the total rate for the~~
259 ~~local communications services tax as computed under s. 202.20~~
260 ~~for that noncharter county may be increased by ordinance or~~
261 ~~resolution by an amount not to exceed a rate of 0.24 percent, to~~
262 ~~replace the revenue the noncharter county would otherwise have~~
263 ~~received from permit fees for providers of communications~~
264 ~~services. If a noncharter county elects to increase its rate~~
265 ~~effective October 1, 2001, the noncharter county shall inform~~
266 ~~the department of such increased rate by certified mail~~
267 ~~postmarked on or before July 16, 2001.~~

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

271 ~~3. Except as provided in this paragraph, municipalities and~~



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272 ~~counties retain all existing authority to require and collect~~
273 ~~permit fees from users or occupants of municipal or county roads~~
274 ~~or rights-of-way and to set appropriate permit fee amounts.~~

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

293 (e) The authority of municipalities and counties to require
294 franchise fees from providers of communications services, with
295 respect to the provision of communications services, is
296 specifically preempted by the state because of unique
297 circumstances applicable to providers of communications services
298 when compared to other utilities occupying municipal or county
299 roads or rights-of-way. Providers of communications services may
300 provide similar services in a manner that requires the placement



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

320 (f) Except as expressly allowed or authorized by general
321 law and except for the rights-of-way permit fees subject to
322 paragraph (c), a municipality or county may not levy on a
323 provider of communications services a tax, fee, or other charge
324 or imposition for operating as a provider of communications
325 services within the jurisdiction of the municipality or county
326 which is in any way related to using its roads or rights-of-way.
327 A municipality or county may not require or solicit in-kind
328 compensation, except as otherwise provided in s. 202.24(2)(c)8.
329 or s. 610.109, provided that the in-kind compensation is not a



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330 franchise fee under federal law. Nothing in this paragraph shall
331 impair any ordinance or agreement in effect on May 22, 1998, or
332 any voluntary agreement entered into subsequent to that date,
333 which provides for or allows in-kind compensation by a
334 telecommunications company.

335 (g) A municipality or county may not use its authority over
336 the placement of facilities in its roads and rights-of-way as a
337 basis for asserting or exercising regulatory control over a
338 provider of communications services regarding matters within the
339 exclusive jurisdiction of the Florida Public Service Commission
340 or the Federal Communications Commission, including, but not
341 limited to, the operations, systems, equipment, technology,
342 qualifications, services, service quality, service territory,
343 and prices of a provider of communications services. A
344 municipality or county may not require any permit for the
345 installation, placement, maintenance, or replacement of aerial
346 wireline communications facilities on or between existing
347 utility poles by a communications services provider; provided,
348 however, that a municipality or county may require a right-of-
349 way permit for work that involves excavation, closure of a
350 sidewalk, or closure of a vehicular lane, unless the provider is
351 making emergency restoration or repair work to existing lawfully
352 placed facilities. Any permit application required by an
353 authority under this section for the placement of communications
354 facilities must be processed and acted upon consistent with the
355 timeframes provided in subparagraphs (7) (d) 7.-9. In addition, a
356 municipality or county may not require any permit or other
357 approval, fee, charge, or cost, or other exaction for the
358 extension, routine maintenance and repair, or replacement and



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359 upgrade of existing aerial or underground communications
360 facilities located on private property outside of the public
361 rights-of-way.

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

376 (i) Except as expressly provided in this section, this
377 section does not modify the authority of municipalities and
378 counties to levy the tax authorized in chapter 202 or the duties
379 of providers of communications services under ss. 337.402-
380 337.404. This section does not apply to building permits, pole
381 attachments, or private roads, private easements, and private
382 rights-of-way.

383 ~~(j) Pursuant to this paragraph, any county or municipality~~
384 ~~may by ordinance change either its election made on or before~~
385 ~~July 16, 2001, under paragraph (c) or an election made under~~
386 ~~this paragraph.~~

387 ~~1.a. If a municipality or charter county changes its~~



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388 ~~election under this paragraph in order to exercise its authority~~
389 ~~to require and collect permit fees in accordance with this~~
390 ~~subsection, the rate of the local communications services tax~~
391 ~~imposed by such jurisdiction pursuant to ss. 202.19 and 202.20~~
392 ~~shall automatically be reduced by the sum of 0.12 percent plus~~
393 ~~the percentage, if any, by which such rate was increased~~
394 ~~pursuant to sub-subparagraph (c)1.b.~~

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

401 ~~2.a. If a noncharter county changes its election under this~~
402 ~~paragraph in order to exercise its authority to require and~~
403 ~~collect permit fees in accordance with this subsection, the rate~~
404 ~~of the local communications services tax imposed by such~~
405 ~~jurisdiction pursuant to ss. 202.19 and 202.20 shall~~
406 ~~automatically be reduced by the percentage, if any, by which~~
407 ~~such rate was increased pursuant to sub-subparagraph (c)2.b.~~

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

414 ~~3.a. Any change of election pursuant to this paragraph and~~
415 ~~any tax rate change resulting from such change of election shall~~
416 ~~be subject to the notice requirements of s. 202.21; however, no~~



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417 ~~such change of election shall become effective prior to January~~
418 ~~1, 2003.~~

419 ~~b. Any county or municipality changing its election under~~
420 ~~this paragraph in order to exercise its authority to require and~~
421 ~~collect permit fees shall, in addition to complying with the~~
422 ~~notice requirements under s. 202.21, provide to all dealers~~
423 ~~providing communications services in such jurisdiction written~~
424 ~~notice of such change of election by September 1 immediately~~
425 ~~preceding the January 1 on which such change of election becomes~~
426 ~~effective. For purposes of this sub-subparagraph, dealers~~
427 ~~providing communications services in such jurisdiction shall~~
428 ~~include every dealer reporting tax to such jurisdiction pursuant~~
429 ~~to s. 202.37 on the return required under s. 202.27 to be filed~~
430 ~~on or before the 20th day of May immediately preceding the~~
431 ~~January 1 on which such change of election becomes effective.~~

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

436 (6)

437 (e) This subsection does not alter any provision of this
438 section or s. 202.24 relating to taxes, fees, or other charges
439 or impositions by a municipality or county on a dealer of
440 communications services or authorize that any charges be
441 assessed on a dealer of communications services, except as
442 specifically set forth herein. A municipality or county may not
443 charge a pass-through provider any amounts other than the
444 charges under this subsection as a condition to the placement or
445 maintenance of a communications facility in the roads or rights-



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446 of-way of a municipality or county by a pass-through provider,
447 except that a municipality or county may impose permit fees on a
448 pass-through provider consistent with paragraph (3)(c) ~~if the~~
449 ~~municipality or county elects to exercise its authority to~~
450 ~~collect permit fees under paragraph (3)(e).~~

451 (f) The charges under this subsection do not apply to
452 communications facilities placed in a municipality's or county's
453 rights-of-way prior to the effective date of this subsection
454 with permission from the municipality or county, if any was
455 required, except to the extent the facilities of a pass-through
456 provider were subject to per linear foot or mile charges in
457 effect as of October 1, 2001, in which case the municipality or
458 county may only impose on a pass-through provider charges
459 consistent with paragraph (b) or paragraph (c) for such
460 facilities. Notwithstanding the foregoing, this subsection does
461 not impair any written agreement between a pass-through provider
462 and a municipality or county imposing per linear foot or mile
463 charges for communications facilities placed in municipal or
464 county roads or rights-of-way that is in effect prior to the
465 effective date of this subsection. Upon the termination or
466 expiration of any such written agreement, any charges imposed
467 must ~~shall~~ be consistent with this section ~~paragraph (b) or~~
468 ~~paragraph (c). Notwithstanding the foregoing, until October 1,~~
469 ~~2005, this subsection shall not affect a municipality or county~~
470 ~~continuing to impose charges in excess of the charges authorized~~
471 ~~in this subsection on facilities of a pass-through provider that~~
472 ~~is not a dealer of communications services in the state under~~
473 ~~chapter 202, but only to the extent such charges were imposed by~~
474 ~~municipal or county ordinance or resolution adopted prior to~~



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475 ~~February 1, 2002. Effective October 1, 2005, any charges imposed~~
476 ~~shall be consistent with paragraph (b) or paragraph (c).~~

477 (7)

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

479 1. "Antenna" means communications equipment that transmits
480 or receives electromagnetic radio frequency signals used in
481 providing wireless services.

482 2. "Applicable codes" means uniform building, fire,
483 electrical, plumbing, or mechanical codes adopted by a
484 recognized national code organization or local amendments to
485 those codes enacted solely to address threats of destruction of
486 property or injury to persons, ~~or local codes or ordinances~~
487 ~~adopted to implement this subsection. The term includes~~
488 ~~objective design standards adopted by ordinance that may require~~
489 ~~a new utility pole that replaces an existing utility pole to be~~
490 ~~of substantially similar design, material, and color or that may~~
491 ~~require reasonable spacing requirements concerning the location~~
492 ~~of ground-mounted equipment. The term includes objective design~~
493 ~~standards adopted by ordinance that may require a small wireless~~
494 ~~facility to meet reasonable location context, color, stealth,~~
495 ~~and concealment requirements; however, such design standards may~~
496 ~~be waived by the authority upon a showing that the design~~
497 ~~standards are not reasonably compatible for the particular~~
498 ~~location of a small wireless facility or that the design~~
499 ~~standards impose an excessive expense. The waiver shall be~~
500 ~~granted or denied within 45 days after the date of the request.~~

501 3. "Applicant" means a person who submits an application
502 and is a wireless provider.

503 4. "Application" means a request submitted by an applicant



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504 to an authority for a permit to collocate small wireless
505 facilities or to place a new utility pole used to support a
506 small wireless facility.

507 5. "Authority" means a county or municipality having
508 jurisdiction and control of the rights-of-way of any public
509 road. The term does not include the Department of
510 Transportation. Rights-of-way under the jurisdiction and control
511 of the department are excluded from this subsection.

512 6. "Authority utility pole" means a utility pole owned by
513 an authority in the right-of-way. The term does not include a
514 utility pole owned by a municipal electric utility, a utility
515 pole used to support municipally owned or operated electric
516 distribution facilities, or a utility pole located in the right-
517 of-way within:

518 a. A retirement community that:

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

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

522 (III) Has underground utilities for electric transmission
523 or distribution.

524 b. A municipality that:

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

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

528 (III) Has less than 10,000 residents; and

529 (IV) Has, before July 1, 2017, received referendum approval
530 to issue debt to finance municipal-wide undergrounding of its
531 utilities for electric transmission or distribution.

532 7. "Collocate" or "collocation" means to install, mount,



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533 maintain, modify, operate, or replace one or more wireless
534 facilities on, under, within, or adjacent to a wireless support
535 structure or utility pole. The term does not include the
536 installation of a new utility pole or wireless support structure
537 in the public rights-of-way.

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

539 9. "Micro wireless facility" means a small wireless
540 facility having dimensions no larger than 24 inches in length,
541 15 inches in width, and 12 inches in height and an exterior
542 antenna, if any, no longer than 11 inches.

543 10. "Small wireless facility" means a wireless facility
544 that meets the following qualifications:

545 a. Each antenna associated with the facility is located
546 inside an enclosure of no more than 6 cubic feet in volume or,
547 in the case of antennas that have exposed elements, each antenna
548 and all of its exposed elements could fit within an enclosure of
549 no more than 6 cubic feet in volume; and

550 b. All other wireless equipment associated with the
551 facility is cumulatively no more than 28 cubic feet in volume.
552 The following types of associated ancillary equipment are not
553 included in the calculation of equipment volume: electric
554 meters, concealment elements, telecommunications demarcation
555 boxes, ground-based enclosures, grounding equipment, power
556 transfer switches, cutoff switches, vertical cable runs for the
557 connection of power and other services, and utility poles or
558 other support structures.

559 11. "Utility pole" means a pole or similar structure that
560 is used in whole or in part to provide communications services
561 or for electric distribution, lighting, traffic control,



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562 signage, or a similar function. The term includes the vertical
563 support structure for traffic lights but does not include a
564 horizontal structure to which signal lights or other traffic
565 control devices are attached and does not include a pole or
566 similar structure 15 feet in height or less unless an authority
567 grants a waiver for such pole.

568 12. "Wireless facility" means equipment at a fixed location
569 which enables wireless communications between user equipment and
570 a communications network, including radio transceivers,
571 antennas, wires, coaxial or fiber-optic cable or other cables,
572 regular and backup power supplies, and comparable equipment,
573 regardless of technological configuration, and equipment
574 associated with wireless communications. The term includes small
575 wireless facilities. The term does not include:

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

578 b. Wireline backhaul facilities; or

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

582 13. "Wireless infrastructure provider" means a person who
583 has been certificated under chapter 364 to provide
584 telecommunications service ~~in the state~~ or under chapter 610 to
585 provide cable or video services in this state, or that person's
586 affiliate, and who builds or installs wireless communication
587 transmission equipment, wireless facilities, or wireless support
588 structures but is not a wireless services provider.

589 14. "Wireless provider" means a wireless infrastructure
590 provider or a wireless services provider.



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591 15. "Wireless services" means any services provided using
592 licensed or unlicensed spectrum, whether at a fixed location or
593 mobile, using wireless facilities.

594 16. "Wireless services provider" means a person who
595 provides wireless services.

596 17. "Wireless support structure" means a freestanding
597 structure, such as a monopole, a guyed or self-supporting tower,
598 or another existing or proposed structure designed to support or
599 capable of supporting wireless facilities. The term does not
600 include a utility pole, pedestal, or other support structure for
601 ground-based equipment not mounted on a utility pole and less
602 than 10 feet in height.

603 (c) Except as provided in this subsection, an authority may
604 not prohibit, regulate, or charge for the collocation of small
605 wireless facilities in the public rights-of-way or for the
606 installation, maintenance, modification, operation, or
607 replacement of utility poles used for the collocation of small
608 wireless facilities in the public rights-of-way.

609 (d) An authority may require a registration process and
610 permit fees in accordance with subsection (3). An authority
611 shall accept applications for permits and shall process and
612 issue permits subject to the following requirements:

613 1. An authority may not directly or indirectly require an
614 applicant to perform services unrelated to the collocation for
615 which approval is sought, such as in-kind contributions to the
616 authority, including reserving fiber, conduit, or pole space for
617 the authority.

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



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620 the applicant's compliance with applicable codes for the
621 placement of small wireless facilities in the locations
622 identified in the application. An applicant may not be required
623 to provide inventories, maps, or locations of communications
624 facilities in the right-of-way other than as necessary to avoid
625 interference with other at-grade facilities located at the
626 specific location proposed for a small wireless facility or
627 within 25 feet of such location.

628 3. An authority may not:

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

631 b. Require the placement of multiple antenna systems on a
632 single utility pole;

633 c. Require a demonstration that collocation of a small
634 wireless facility on an existing structure is not legally or
635 technically possible as a condition for granting a permit for
636 the collocation of a small wireless facility on a new utility
637 pole;

638 d. Require compliance with an authority's provisions
639 regarding placement of small wireless facilities or a new
640 utility pole used to support a small wireless facility in
641 rights-of-way not under the control of the authority pursuant to
642 a delegation from the department, or require such compliance as
643 a condition to receive a permit that is ancillary to the permit
644 for collocation of a small wireless facility, including an
645 electrical permit;

646 e. Require a meeting before filing an application;

647 f. Require direct or indirect public notification or a
648 public meeting for the placement of communication facilities in



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649 the right-of-way;

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

653 h. Prohibit the installation of a new utility pole used to
654 support the collocation of a small wireless facility if the
655 installation otherwise meets the requirements of this
656 subsection;

657 i. Require that any component of a small wireless facility
658 be placed underground; or

659 j. Require that any existing communication facility be
660 placed underground, except as provided in ss. 337.403 and
661 337.404.

662 4. Subject to sub-subparagraph (f)6.b., an authority may
663 not limit the placement, by minimum separation distances, of
664 small wireless facilities, utility poles on which small wireless
665 facilities are or will be collocated, or other at-grade
666 communications facilities by minimum separation distances.

667 However, within 14 days after the date of filing the
668 application, an authority may request that the proposed location
669 of a small wireless facility be moved to another location in the
670 right-of-way and placed on an alternative authority utility pole
671 or support structure or placed on ~~may place~~ a new utility pole.

672 The authority and the applicant may negotiate the alternative
673 location, including any objective design standards and
674 reasonable spacing requirements for ground-based equipment, for
675 30 days after the date of the request. At the conclusion of the
676 negotiation period, if the alternative location is accepted by
677 the applicant, the applicant must notify the authority of such



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678 acceptance and the application shall be deemed granted for any
679 new location for which there is agreement and all other
680 locations in the application. If an agreement is not reached,
681 the applicant must notify the authority of such nonagreement and
682 the authority must grant or deny the original application within
683 90 days after the date the application was filed. A request for
684 an alternative location, an acceptance of an alternative
685 location, or a rejection of an alternative location must be in
686 writing and provided by electronic mail.

687 5. An authority shall limit the height of a small wireless
688 facility to 10 feet above the utility pole or structure upon
689 which the small wireless facility is to be collocated. Unless
690 waived by an authority, the height for a new utility pole is
691 limited to the tallest existing utility pole as of July 1, 2017,
692 located in the same right-of-way, other than a utility pole for
693 which a waiver has previously been granted, measured from grade
694 in place within 500 feet of the proposed location of the small
695 wireless facility. If there is no utility pole within 500 feet,
696 the authority shall limit the height of the utility pole to 50
697 feet.

698 6. ~~Except as provided in subparagraphs 4. and 5.,~~ The
699 installation by a communications services provider of a utility
700 pole in the public rights-of-way, other than a utility pole used
701 ~~designed~~ to support a small wireless facility, is shall be
702 subject to authority rules or regulations governing the
703 placement of utility poles in the public rights-of-way and is
704 ~~shall be~~ subject to the application review timeframes in this
705 subsection.

706 7. Within 14 days after receiving an application, an



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707 authority must determine and notify the applicant by electronic
708 mail as to whether the application is complete. If an
709 application is deemed incomplete, the authority must
710 specifically identify the missing information. An application is
711 deemed complete if the authority fails to provide notification
712 to the applicant within 14 days.

713 8. An application must be processed on a nondiscriminatory
714 basis. A complete application is deemed approved if an authority
715 fails to approve or deny the application within 60 days after
716 receipt of the application. If an authority does not use the 30-
717 day negotiation period provided in subparagraph 4., the parties
718 may mutually agree to extend the 60-day application review
719 period. The authority shall grant or deny the application at the
720 end of the extended period. A permit issued pursuant to an
721 approved application shall remain effective for 1 year unless
722 extended by the authority.

723 9. An authority must notify the applicant of approval or
724 denial by electronic mail. An authority shall approve a complete
725 application unless it does not meet the authority's applicable
726 codes. If the application is denied, the authority must specify
727 in writing the basis for denial, including the specific code
728 provisions on which the denial was based, and send the
729 documentation to the applicant by electronic mail on the day the
730 authority denies the application. The applicant may cure the
731 deficiencies identified by the authority and resubmit the
732 application within 30 days after notice of the denial is sent to
733 the applicant. The authority shall approve or deny the revised
734 application within 30 days after receipt or the application is
735 deemed approved. The review of a revised application is Any



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736 ~~subsequent review shall be~~ limited to the deficiencies cited in
737 the denial. The availability of any subsequent review by the
738 authority does not bar review of a denial in a court of
739 competent jurisdiction.

740 10. An applicant seeking to collocate small wireless
741 facilities within the jurisdiction of a single authority may, at
742 the applicant's discretion, file a consolidated application and
743 receive a single permit for the collocation of up to 30 small
744 wireless facilities. If the application includes multiple small
745 wireless facilities, an authority may separately address small
746 wireless facility collocations for which incomplete information
747 has been received or which are denied.

748 11. An authority may deny a proposed collocation of a small
749 wireless facility in the public rights-of-way if the proposed
750 collocation:

751 a. Materially interferes with the safe operation of traffic
752 control equipment.

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

755 c. Materially interferes with compliance with the Americans
756 with Disabilities Act or similar federal or state standards
757 regarding pedestrian access or movement.

758 d. Materially fails to comply with the 2010 edition of the
759 Florida Department of Transportation Utility Accommodation
760 Manual.

761 e. Fails to comply with applicable codes.

762 f. Fails to comply with objective design standards
763 authorized under subparagraph (f) 6.

764 12. An authority may adopt by ordinance provisions for



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765 insurance coverage, indemnification, ~~performance bonds, security~~
766 ~~funds~~, force majeure, abandonment, authority liability, or
767 authority warranties. Such provisions must be reasonable and
768 nondiscriminatory. An authority may require a construction bond
769 to secure restoration of the postconstruction rights-of-way to
770 its preconstruction condition. However, such bond must be time-
771 limited to no more than 1 year after the construction to which
772 the bond applies is completed. For any financial obligation
773 required by an authority allowed under this section, the
774 authority shall accept a letter of credit or similar financial
775 instrument issued by any financial institution that is
776 authorized to do business within the United States, provided
777 that a claim against the financial instrument may be made by
778 electronic means, including by facsimile. A provider of
779 communications services may add an authority to any existing
780 bond, insurance policy, or other relevant financial instrument,
781 and the authority must accept such proof of coverage without any
782 conditions. An authority may not require a communications
783 services provider to indemnify it for liabilities not caused by
784 the provider, including liabilities arising from the authority's
785 negligence, gross negligence, or willful conduct.

786 13. Collocation of a small wireless facility on an
787 authority utility pole does not provide the basis for the
788 imposition of an ad valorem tax on the authority utility pole.

789 14. An authority may reserve space on authority utility
790 poles for future public safety uses. However, a reservation of
791 space may not preclude collocation of a small wireless facility.
792 If replacement of the authority utility pole is necessary to
793 accommodate the collocation of the small wireless facility and



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794 the future public safety use, the pole replacement is subject to
795 make-ready provisions and the replaced pole shall accommodate
796 the future public safety use.

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

800 (e) An authority may not require any permit or other
801 approval or require fees, ~~or other~~ charges, costs, or other
802 exactions for:

803 1. Routine maintenance or repair work, including, but not
804 limited to, emergency repairs of existing lawfully placed
805 facilities, or extensions of such facilities, for providing
806 communications services to customers;

807 2. Replacement of existing wireless facilities with
808 wireless facilities that are substantially similar or of the
809 same or smaller size; or

810 3. Installation, placement, maintenance, or replacement of
811 micro wireless facilities that are suspended on cables strung
812 between existing utility poles in compliance with applicable
813 codes by or for a communications services provider authorized to
814 occupy the rights-of-way and who is remitting taxes under
815 chapter 202. An authority may require an initial letter from or
816 on behalf of such provider, which is effective upon filing,
817 attesting that the micro wireless facility dimensions comply
818 with the limits of this subsection. The authority may not
819 require any additional filing or other information as long as
820 the provider is deploying the same, a substantially similar, or
821 a smaller size micro wireless facility equipment.

822



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823 Notwithstanding this paragraph, an authority may require a
824 right-of-way permit for work that involves excavation, closure
825 of a sidewalk, or closure of a vehicular lane unless the
826 provider is making emergency restoration or repair work to
827 existing lawfully placed facilities.

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

830 1. An authority may not enter into an exclusive arrangement
831 with any person for the right to attach equipment to authority
832 utility poles.

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

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

838 4. Agreements between authorities and wireless providers
839 that are in effect on July 1, 2017, and that relate to the
840 collocation of small wireless facilities in the right-of-way,
841 including the collocation of small wireless facilities on
842 authority utility poles, remain in effect, subject to applicable
843 termination provisions. The wireless provider may accept the
844 rates, fees, and terms established under this subsection for
845 small wireless facilities and utility poles that are the subject
846 of an application submitted after the rates, fees, and terms
847 become effective.

848 5. A person owning or controlling an authority utility pole
849 shall offer rates, fees, and other terms that comply with this
850 subsection. By the later of January 1, 2018, or 3 months after
851 receiving a request to collocate its first small wireless



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852 facility on a utility pole owned or controlled by an authority,
853 the person owning or controlling the authority utility pole
854 shall make available, through ordinance or otherwise, rates,
855 fees, and terms for the collocation of small wireless facilities
856 on the authority utility pole which comply with this subsection.

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

859 b. For an authority utility pole that supports an aerial
860 facility used to provide communications services or electric
861 service, the parties shall comply with the process for make-
862 ready work under 47 U.S.C. s. 224 and implementing regulations.
863 The good faith estimate of the person owning or controlling the
864 pole for any make-ready work necessary to enable the pole to
865 support the requested collocation must include pole replacement
866 if necessary.

867 c. For an authority utility pole that does not support an
868 aerial facility used to provide communications services or
869 electric service, the authority shall provide a good faith
870 estimate for any make-ready work necessary to enable the pole to
871 support the requested collocation, including necessary pole
872 replacement, within 60 days after receipt of a complete
873 application. Make-ready work, including any pole replacement,
874 must be completed within 60 days after written acceptance of the
875 good faith estimate by the applicant. Alternatively, an
876 authority may require the applicant seeking to collocate a small
877 wireless facility to provide a make-ready estimate at the
878 applicant's expense for the work necessary to support the small
879 wireless facility, including pole replacement, and perform the
880 make-ready work. If pole replacement is required, the scope of



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881 the make-ready estimate is limited to the design, fabrication,
882 and installation of a utility pole that is substantially similar
883 in color and composition. The authority may not condition or
884 restrict the manner in which the applicant obtains, develops, or
885 provides the estimate or conducts the make-ready work subject to
886 usual construction restoration standards for work in the right-
887 of-way. The replaced or altered utility pole shall remain the
888 property of the authority.

889 d. An authority may not require more make-ready work than
890 is required to meet applicable codes or industry standards. Fees
891 for make-ready work may not include costs related to preexisting
892 damage or prior noncompliance. Fees for make-ready work,
893 including any pole replacement, may not exceed actual costs or
894 the amount charged to communications services providers other
895 than wireless services providers for similar work and may not
896 include any consultant fee or expense.

897 6. An authority may require wireless providers to comply
898 with objective design standards adopted by ordinance. The
899 ordinance may require:

900 a. A new utility pole that replaces an existing utility
901 pole to be of substantially similar design, material, and color;

902 b. Reasonable spacing requirements concerning the location
903 of a ground-mounted component of a small wireless facility which
904 does not exceed 15 feet from the associated support structure;

905 or

906 c. A small wireless facility to meet reasonable location
907 context, color, camouflage, and concealment requirements,
908 subject to the limitations in this subsection.

909



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910 Such design standards under this subparagraph may be waived by
911 the authority upon a showing that the design standards are not
912 reasonably compatible for the particular location of a small
913 wireless facility or are technically infeasible or that the
914 design standards impose an excessive expense. The waiver must be
915 granted or denied within 45 days after the date of the request.

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

933 ~~(i) A wireless provider shall, in relation to a small~~
934 ~~wireless facility, utility pole, or wireless support structure~~
935 ~~in the public rights-of-way, comply with nondiscriminatory~~
936 ~~undergrounding requirements of an authority that prohibit above-~~
937 ~~ground structures in public rights-of-way. Any such requirements~~
938 ~~may be waived by the authority.~~



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939 (8) (a) Any person aggrieved by a violation of this section
940 may bring a civil action in a United States District Court or in
941 any other court of competent jurisdiction.

942 (b) The court may:

943 1. Grant temporary or permanent injunctions on terms as it
944 may deem reasonable to prevent or restrain violations of this
945 section; and

946 2. Direct the recovery of full costs, including awarding
947 reasonable attorney fees, to an aggrieved party who prevails.

948
949 ===== T I T L E A M E N D M E N T =====

950 And the title is amended as follows:

951 Delete lines 2 - 11

952 and insert:

953 An act relating to communications services; amending
954 s. 202.12, F.S.; reducing the rates of certain
955 communications services taxes; amending s. 202.20,
956 F.S.; conforming a cross-reference; amending s.
957 337.401, F.S.; revising legislative intent; specifying
958 limitations and prohibitions on municipalities and
959 counties relating to registrations and renewals of
960 communications services providers; authorizing
961 municipalities and counties to require certain
962 information as part of a permit application;
963 prohibiting municipalities and counties from requiring
964 a payment of fees, costs, or charges for provider
965 registration or renewal; prohibiting municipalities
966 and counties from adopting or enforcing certain
967 ordinances, regulations, or requirements; specifying



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968 limitations on municipal and county authority to
969 regulate and manage municipal and county roads or
970 rights-of-way; prohibiting certain municipalities and
971 counties from electing to impose permit fees;
972 providing retroactive applicability; authorizing
973 certain municipalities and counties to continue to
974 require and collect such fees; deleting obsolete
975 provisions; specifying activities for which permit
976 fees may not be imposed; deleting certain provisions
977 relating to municipality, charter county, and
978 noncharter county elections to impose, or not to
979 impose, permit fees; requiring that enforcement of
980 certain ordinances must be suspended until certain
981 conditions are met; revising legislative intent
982 relating to the imposition of certain fees, costs, and
983 exactions on providers; specifying a condition for
984 certain in-kind compensation; specifying prohibited
985 acts by municipalities and counties in the use of
986 their authority over the placement of facilities for
987 certain purposes; authorizing municipalities and
988 counties to require a right-of-way permit for certain
989 purposes; providing requirements for processing
990 certain permit applications; prohibiting
991 municipalities and counties from certain actions
992 relating to certain aerial or underground
993 communications facilities; specifying limitations and
994 requirements for certain municipal and county rules
995 and regulations; revising definitions under the
996 Advanced Wireless Infrastructure Deployment Act;



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997 prohibiting certain actions by an authority relating
998 to certain utility poles; prohibiting authorities from
999 requiring permit applicants to provide certain
1000 information, except under certain circumstances;
1001 adding prohibited acts by authorities relating to
1002 small wireless facilities, application requirements,
1003 public notification and public meetings, and the
1004 placement of certain facilities; revising
1005 applicability of authority rules and regulations
1006 governing the placement of utility poles in the public
1007 rights-of-way; providing construction relating to
1008 judicial review of certain application denials; adding
1009 grounds for an authority's denial of a proposed
1010 collocation of a small wireless facility in the public
1011 rights-of-way; deleting an authority's authorization
1012 to adopt ordinances for performance bonds and security
1013 funds; authorizing an authority to require a
1014 construction bond, subject to certain conditions;
1015 requiring authorities to accept certain financial
1016 instruments for certain financial obligations;
1017 authorizing providers to add authorities to certain
1018 financial instruments; prohibiting an authority from
1019 requiring a provider to indemnify the authority for
1020 certain liabilities; prohibiting an authority from
1021 requiring a permit, approval, fees, charges, costs, or
1022 exactions for certain activities; authorizing and
1023 limiting filings the authority may require relating to
1024 micro wireless facility equipment; providing an
1025 exception to a provision authorizing an authority to



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1026 require a certain right-of-way permit; authorizing
1027 authorities to require wireless providers to comply
1028 with certain objective design standards adopted by
1029 ordinance; authorizing the authority to waive such
1030 design standards under certain circumstances;
1031 providing a requirement for the waiver; revising an
1032 authority's authorization to apply certain ordinances
1033 to applications filed before a certain timeframe;
1034 prohibiting authorities from certain actions relating
1035 to registrations, applications, permits, and approvals
1036 in relation to small wireless facilities; deleting a
1037 requirement for wireless providers to comply with
1038 certain undergrounding requirements; authorizing a
1039 civil action for violations; authorizing actions a
1040 court may take; providing