A bill to be entitled
An act relating to preemption to the state; amending
s. 106.08, F.S.; removing provisions which preempt
counties, municipalities, and other local governmental
entities from enacting or adopting any limitation or
restriction involving certain contributions and
expenditures, or establishing contribution limits
different than those established in the Florida
Election Code; amending s. 125.0103, F.S.; removing
provisions which require local governmental measures
imposing rent controls to expire within a specified
time period unless such measures are extended or
renewed in accordance with law; amending s. 125.01055,
F.S.; removing provisions which require counties to
provide incentives to fully offset costs of certain
affordable housing contributions or linkage fees;
amending s. 125.421, F.S.; removing provisions which
require counties and entities of local government to
pay ad valorem taxes or fees under specified
conditions on certain telecommunications facilities;
removing a waiver of immunity on taxation of property
for counties or entities of local government under
such circumstances; repealing s. 163.045, F.S.,
relating to the pruning, trimming, or removal of trees
on residential property; repealing 163.211, F.S.,
relating to licensing of occupations preempted to the
state; amending s. 163.31801, F.S.; removing
limitations on impact fee increases; repealing s.
163.3205, F.S., relating to a solar facility approval
process; amending s. 166.04151, F.S.; removing provisions which require municipalities to provide incentives to fully offset costs of certain affordable housing contributions or linkage fees; amending s. 166.043, F.S.; removing provisions which require local governmental measures that impose rent controls to expire within a specified time period unless such measures are extended or renewed in accordance with law; amending s. 166.047, F.S.; removing provisions which require municipalities and other entities of local government to pay ad valorem taxes or fees under specified conditions on certain telecommunications facilities; amending s. 166.241, F.S.; removing provisions authorizing specified elected officials to file an appeal to the Administration Commission if the governing body of a municipality makes a specified reduction to the operating budget of the municipal law enforcement agency; removing provisions requiring the petition to contain specified information; removing provisions requiring the Executive Office of the Governor to conduct a budget hearing to consider the matter and make findings and recommendations to the Administration Commission; removing provisions requiring the commission to approve, amend, or modify the municipality’s budget; amending ss. 196.012, 199.183, and 212.08, F.S.; removing provisions that prohibit certain property and use of two-way telecommunications services under specified circumstances from receiving certain tax exemptions;
repealing s. 218.077, F.S., relating to wage and employment benefits requirements by political subdivisions and restrictions thereon; amending s. 252.35, F.S.; removing limitations on the timeframe for delegation of certain authorities by the Division of Emergency Management; amending s. 252.38, F.S.; removing requirements for the purpose and scope of emergency orders; removing provisions on the automatic expiration of emergency orders; removing provisions authorizing the extension of emergency orders by a majority vote of a governing body for a specified duration; removing provisions authorizing the Governor to invalidate certain emergency orders; removing prohibitions on the issuance of certain emergency orders; amending s. 252.46, F.S.; removing provisions that a failure by a political subdivision to file certain orders and rules with specified entities within a specified timeframe voids the issued orders or rules; repealing 311.25, F.S., relating to Florida seaports and local ballot initiatives and referendums; amending 331.502, F.S.; conforming a provision to changes made by the act; amending s. 337.401, F.S.; removing certain communications services lines as items over which certain governmental entities are authorized to prescribe and enforce reasonable rules and regulations; removing time restrictions placed upon certain counties and municipalities for processing certain permit applications; removing limitations and prohibitions on municipalities and
counties relating to registrations and renewals of communications services providers; removing provisions that authorize municipalities and counties to require certain information as part of a registration; removing provisions that prohibit municipalities and counties from requiring a payment of fees, costs, or charges for provider registration or renewal; removing prohibitions against municipalities and counties adopting or enforcing certain ordinances, rules, or requirements; removing limitations on municipal and county authority to regulate and manage municipal and county roads or rights-of-way; removing provisions that prohibit certain municipalities and counties from imposing permit fees; removing provisions that specify activities for which permit fees may not be imposed; removing a requirement that enforcement of certain ordinances be suspended until certain conditions are met; removing a condition for certain in-kind compensation; revising items over which municipalities and counties may exercise regulatory control; removing provisions for requirements relating to right-of-way permits; removing provisions relating to municipal and county authority over pass-through providers; removing references to, and administration and provisions of, the Advanced Wireless Infrastructure Deployment Act; removing a provision authorizing a civil action for specified violations; removing authorizations for a court to take certain actions; removing provisions requiring that work in certain authority rights-of-way...
comply with a specified document; amending s. 350.81, F.S.; removing procedures that must be followed by governmental entities before providing communications services; removing provisions relating to the use of certain revenues to issue bonds to finance communications services; removing provisions which provide certain procedures if revenues do not exceed operating costs after a specified time period; removing exemptions of certain governmental entities from certain requirements relating to telecommunications services; removing a provision specifying that certain airport authorities or other governmental entities are not exempt from certain procedural requirements relating to telecommunications services; repealing s. 366.032, F.S., relating to preemption over utility service restrictions; repealing s. 377.707, F.S., relating to express preemption of fuel retailers and related transportation infrastructure; amending s. 403.412, F.S.; removing prohibitions against local governments recognizing or granting certain legal rights to the natural environment or granting such rights relating to the natural environment to a person or political subdivision; amending s. 403.7033, F.S.; removing the prohibition against local laws relating to the regulation of auxiliary containers, wrappings, and disposable plastic bags; amending ss. 489.117, 489.1455, and 489.5335, F.S.; conforming provisions to changes made by the act; amending s. 499.002, F.S.;
removing a provision that preempts the regulation of over-the-counter proprietary drugs and cosmetics to the state; repealing s. 500.90, F.S., relating to the preemption of local laws relating to the use or sale of polystyrene products to the Department of Agriculture and Consumer Services; amending s. 790.251, F.S.; conforming a provision to changes made by the act; repealing s. 569.0025, F.S., relating to preemption of the regulation of tobacco products to the state; repealing s. 569.315, F.S., relating to preemption of the regulation of nicotine products to the state; repealing s. 790.33, F.S., relating to the preemption of the field of regulation of firearms and ammunition to the Legislature, to the exclusion of local jurisdictions; amending s. 570.07, F.S.; removing provisions relating to the preemption of the regulation of fertilizer to the state; repealing ch. 908, F.S., consisting of ss. 908.101, 908.102, 908.103, 908.104, 908.105, 908.106, 908.107, 908.108, and 908.109, F.S., relating to legislative findings and intent, definitions, a prohibition on sanctuary policies, cooperation with federal immigration authorities, duties relating to immigration detainers, reimbursement of costs, enforcement, education records, and a prohibition on discrimination, respectively; providing a contingent effective date.

Be It Enacted by the Legislature of the State of Florida:
Section 1. Subsection (11) of section 106.08, Florida Statutes, is amended to read:

106.08 Contributions; limitations on.—
(11)(a) A county, a municipality, or any other local governmental entity is expressly preempted from enacting or adopting:

1. Contribution limits that differ from the limitations established in subsection (1);
2. Any limitation or restriction involving contributions to a political committee or an electioneering communications organization; or
3. Any limitation or restriction on expenditures for an electioneering communication or an independent expenditure.

(b) Any existing or future limitation or restriction enacted or adopted by a county, a municipality, or any other local governmental entity which is in conflict with this subsection is void.

Section 2. Subsection (3) and present subsection (6) of section 125.0103, Florida Statutes, are amended to read:

125.0103 Ordinances and rules imposing price controls; findings required; procedures.—
(3) Any law, ordinance, rule, or other measure which has the effect of imposing controls on rents shall terminate and expire within 1 year and shall not be extended or renewed except by the adoption of a new measure meeting all the requirements of this section.

(5) In any court action brought to challenge the validity of rent control imposed pursuant to the provisions of this section, the evidentiary effect of any findings or
recitations required by subsection (4) shall be limited to imposing upon any party challenging the validity of such measure the burden of going forward with the evidence, and the burden of proof (that is, the risk of nonpersuasion) shall rest upon any party seeking to have the measure upheld.

Section 3. Subsection (4) of section 125.01055, Florida Statutes, is amended to read:

125.01055 Affordable housing.—

(4) In exchange for a developer fulfilling the requirements of subsection (2) or, for residential or mixed-use residential development, the requirements of subsection (3), a county must provide incentives to fully offset all costs to the developer of its affordable housing contribution or linkage fee. Such incentives may include, but are not limited to:

(a) Allowing the developer density or intensity bonus incentives or more floor space than allowed under the current or proposed future land use designation or zoning;

(b) Reducing or waiving fees, such as impact fees or water and sewer charges; or

(c) Granting other incentives.

Section 4. Section 125.421, Florida Statutes, is amended to read:

125.421 Telecommunications services.—A telecommunications company that is a county or other entity of local government may obtain or hold a certificate required by chapter 364, and the obtaining or holding of said certificate serves a public purpose only if the county or other entity of local government:

(1) Separately accounts for the revenues, expenses, property, and source of investment dollars associated with the
provision of such service; and

(2) Is subject, without exemption, to all local
requirements applicable to telecommunications companies; and

(3) Notwithstanding any other provision of law, pays, on
its telecommunications facilities used to provide two-way
telecommunication services to the public for hire and for which
a certificate is required under chapter 364, ad valorem taxes,
or fees in amounts equal thereto, to any taxing jurisdiction in
which the county or other entity of local government operates.
Any entity of local government may pay and impose such ad
valorem taxes or fees. Any immunity of any county or other
entity of local government from taxation of the property taxed
by this section is hereby waived.

This section does not apply to the provision of
technological services for internal operational needs of a
county or other entity of local government. This section does
not apply to the provision of internal information services,
including, but not limited to, tax records, engineering records,
and property records, by a county or other entity of local
government to the public for a fee.

Section 5. Section 163.045, Florida Statutes, is repealed.
Section 6. Section 163.211, Florida Statutes, is repealed.
Section 7. Subsection (6) of section 163.31801, Florida
Statutes, is amended to read:

163.31801 Impact fees; short title; intent; minimum
requirements; audits; challenges.—

(6) A local government, school district, or special
district may increase an impact fee only as provided in this
subsection.

(a) An impact fee may be increased only pursuant to a plan for the imposition, collection, and use of the increased impact fees which complies with this section.

(b) An increase to a current impact fee rate of not more than 25 percent of the current rate must be implemented in two equal annual increments beginning with the date on which the increased fee is adopted.

(c) An increase to a current impact fee rate which exceeds 25 percent but is not more than 50 percent of the current rate must be implemented in four equal installments beginning with the date the increased fee is adopted.

(d) An impact fee increase may not exceed 50 percent of the current impact fee rate.

(e) An impact fee may not be increased more than once every 4 years.

(f) An impact fee may not be increased retroactively for a previous or current fiscal or calendar year.

(g) A local government, school district, or special district may increase an impact fee rate beyond the phase-in limitations established under paragraph (b), paragraph (c), paragraph (d), or paragraph (e) by establishing the need for such increase in full compliance with the requirements of subsection (4), provided the following criteria are met:

1. A demonstrated need study justifying any increase in excess of those authorized in paragraph (b), paragraph (c), paragraph (d), or paragraph (e) has been completed within the 12 months before the adoption of the impact fee increase and expressly demonstrates the extraordinary circumstances...
2. The local government jurisdiction has held not less than two publicly noticed workshops dedicated to the extraordinary circumstances necessitating the need to exceed the phase-in limitations set forth in paragraph (b), paragraph (c), paragraph (d), or paragraph (e).

3. The impact fee increase ordinance is approved by at least a two-thirds vote of the governing body.

(h) This subsection operates retroactively to January 1, 2021.

Section 8. Section 163.3205, Florida Statutes, is repealed.

Section 9. Subsection (4) of section 166.04151, Florida Statutes, is amended to read:

166.04151 Affordable housing.—

(4) In exchange for a developer fulfilling the requirements of subsection (2) or, for residential or mixed-use residential development, the requirements of subsection (3), a municipality must provide incentives to fully offset all costs to the developer of its affordable housing contribution or linkage fee. Such incentives may include, but are not limited to:

(a) Allowing the developer density or intensity bonus incentives or more floor space than allowed under the current or proposed future land use designation or zoning;

(b) Reducing or waiving fees, such as impact fees or water and sewer charges; or

(c) Granting other incentives.

Section 10. Subsection (3) and present subsection (6) of section 166.043, Florida Statutes, are amended to read:

166.043 Ordinances and rules imposing price controls;
findings required; procedures.—

(3) Any law, ordinance, rule, or other measure which has the effect of imposing controls on rents shall terminate and expire within 1 year and shall not be extended or renewed except by the adoption of a new measure meeting all the requirements of this section.

(5) In any court action brought to challenge the validity of rent control imposed pursuant to the provisions of this section, the evidentiary effect of any findings or recitations required by subsection (4) shall be limited to imposing upon any party challenging the validity of such measure the burden of going forward with the evidence, and the burden of proof (that is, the risk of nonpersuasion) shall rest upon any party seeking to have the measure upheld.

Section 11. Section 166.047, Florida Statutes, is amended to read:

166.047 Telecommunications services.—A telecommunications company that is a municipality or other entity of local government may obtain or hold a certificate required by chapter 364, and the obtaining or holding of said certificate serves a municipal or public purpose under the provision of s. 2(b), Art. VIII of the State Constitution, only if the municipality or other entity of local government:

(1) Separately accounts for the revenues, expenses, property, and source of investment dollars associated with the provision of such services; and

(2) Is subject, without exemption, to all local requirements applicable to telecommunications companies; and

(3) Notwithstanding any other provision of law, pays, on
its telecommunications facilities used to provide two-way telecommunications services to the public for hire and for which a certificate is required pursuant to chapter 364, ad valorem taxes, or fees in amounts equal thereto, to any taxing jurisdiction in which the municipality or other entity of local government operates. Any entity of local government may pay and impose such ad valorem taxes or fees.

This section does not apply to the provision of telecommunications services for internal operational needs of a municipality or other entity of local government. This section does not apply to the provision of internal information services, including, but not limited to, tax records, engineering records, and property records, by a municipality or other entity of local government to the public for a fee.

Section 12. Subsections (4), (5), and (8) of section 166.241, Florida Statutes, are amended to read:

Section 12. Subsections (4), (5), and (8) of section 166.241, Florida Statutes, are amended to read:

166.241 Fiscal years, budgets, appeal of municipal law enforcement agency budget, and budget amendments.—

(4)(a) If the tentative budget of a municipality contains a funding reduction to the operating budget of the municipal law enforcement agency, the state attorney for the judicial circuit in which the municipality is located, or a member of the governing body who objects to the funding reduction, may file an appeal by petition to the Administration Commission within 30 days after the day the tentative budget is posted to the official website of the municipality under subsection (3). The petition must set forth the tentative budget proposed by the municipality, in the form and manner prescribed by the Executive
Office of the Governor and approved by the Administration Commission, the operating budget of the municipal law enforcement agency as approved by the municipality for the previous year, and state the reasons or grounds for the appeal. The petition shall be filed with the Executive Office of the Governor and a copy served upon the governing body of the municipality or to the clerk of the circuit court of the county in which the municipality is located.

(b) The governing body of the municipality has 5 working days after service of a copy of the petition to file a reply with the Executive Office of the Governor and shall serve a copy of such reply to the petitioner.

(5) Upon receipt of the petition, the Executive Office of the Governor shall provide for a budget hearing at which the matters presented in the petition and the reply shall be considered. A report of the findings and recommendations of the Executive Office of the Governor thereon shall be promptly submitted to the Administration Commission, which, within 30 days, shall approve the action of the governing body of the municipality or amend or modify the budget as to each separate item within the operating budget of the municipal law enforcement agency. The budget as approved, amended, or modified by the Administration Commission shall be final.

(6)(8) If the governing body of a municipality amends the budget pursuant to paragraph (5)(c) (7)(e), the adopted amendment must be posted on the official website of the municipality within 5 days after adoption and must remain on the website for at least 2 years. If the municipality does not operate an official website, the municipality must, within a
reasonable period of time as established by the county or counties in which the municipality is located, transmit the adopted amendment to the manager or administrator of such county or counties who shall post the adopted amendment on the county’s website.

Section 13. Subsection (6) of section 196.012, Florida Statutes, is amended to read:

196.012 Definitions.—For the purpose of this chapter, the following terms are defined as follows, except where the context clearly indicates otherwise:

(6) Governmental, municipal, or public purpose or function shall be deemed to be served or performed when the lessee under any leasehold interest created in property of the United States, the state or any of its political subdivisions, or any municipality, agency, special district, authority, or other public body corporate of the state is demonstrated to perform a function or serve a governmental purpose which could properly be performed or served by an appropriate governmental unit or which is demonstrated to perform a function or serve a purpose which would otherwise be a valid subject for the allocation of public funds. For purposes of the preceding sentence, an activity undertaken by a lessee which is permitted under the terms of its lease of real property designated as an aviation area on an airport layout plan which has been approved by the Federal Aviation Administration and which real property is used for the administration, operation, business offices and activities related specifically thereto in connection with the conduct of an aircraft full service fixed base operation which provides goods and services to the general aviation public in the
promotion of air commerce shall be deemed an activity which serves a governmental, municipal, or public purpose or function. Any activity undertaken by a lessee which is permitted under the terms of its lease of real property designated as a public airport as defined in s. 332.004(14) by municipalities, agencies, special districts, authorities, or other public bodies corporate and public bodies politic of the state, a spaceport as defined in s. 331.303, or which is located in a deepwater port identified in s. 403.021(9)(b) and owned by one of the foregoing governmental units, subject to a leasehold or other possessory interest of a nongovernmental lessee that is deemed to perform an aviation, airport, aerospace, maritime, or port purpose or operation shall be deemed an activity that serves a governmental, municipal, or public purpose. The use by a lessee, licensee, or management company of real property or a portion thereof as a convention center, visitor center, sports facility with permanent seating, concert hall, arena, stadium, park, or beach is deemed a use that serves a governmental, municipal, or public purpose or function when access to the property is open to the general public with or without a charge for admission. If property deeded to a municipality by the United States is subject to a requirement that the Federal Government, through a schedule established by the Secretary of the Interior, determine that the property is being maintained for public historic preservation, park, or recreational purposes and if those conditions are not met the property will revert back to the Federal Government, then such property shall be deemed to serve a municipal or public purpose. The term “governmental purpose” also includes a direct use of property on federal lands in
connection with the Federal Government’s Space Exploration Program or spaceport activities as defined in s. 212.02(22).
Real property and tangible personal property owned by the Federal Government or Space Florida and used for defense and space exploration purposes or which is put to a use in support thereof shall be deemed to perform an essential national governmental purpose and shall be exempt. “Owned by the lessee” as used in this chapter does not include personal property, buildings, or other real property improvements used for the administration, operation, business offices and activities related specifically thereto in connection with the conduct of an aircraft full service fixed based operation which provides goods and services to the general aviation public in the promotion of air commerce provided that the real property is designated as an aviation area on an airport layout plan approved by the Federal Aviation Administration. For purposes of determination of “ownership,” buildings and other real property improvements which will revert to the airport authority or other governmental unit upon expiration of the term of the lease shall be deemed “owned” by the governmental unit and not the lessee. Providing two-way telecommunications services to the public for hire by the use of a telecommunications facility, as defined in s. 364.02(14), and for which a certificate is required under chapter 364 does not constitute an exempt use for purposes of s. 196.199, unless the telecommunications services are provided by the operator of a public-use airport, as defined in s. 332.004, for the operator’s provision of telecommunications services for the airport or its tenants, concessionaires, or licensees, or unless the telecommunications services are provided by a public
Section 14. Subsection (1) of section 199.183, Florida Statutes, is amended to read:

199.183 Taxpayers exempt from nonrecurring taxes.—
(1) Intangible personal property owned by this state or any of its political subdivisions or municipalities shall be exempt from taxation under this chapter. This exemption does not apply to:

(a) Any leasehold or other interest that is described in s. 199.023(1)(d), Florida Statutes 2005; or

(b) Property related to the provision of two-way telecommunications services to the public for hire by the use of a telecommunications facility, as defined in s. 364.02(14), and for which a certificate is required under chapter 364, when the service is provided by any county, municipality, or other political subdivision of the state. Any immunity of any political subdivision of the state or other entity of local government from taxation of the property used to provide telecommunication services that is taxed as a result of this paragraph is hereby waived. However, intangible personal property related to the provision of telecommunications services provided by the operator of a public-use airport, as defined in s. 332.004, for the operator’s provision of telecommunications services for the airport or its tenants, concessionaires, or licensees, and intangible personal property related to the provision of telecommunications services provided by a public hospital, are exempt from taxation under this chapter.

Section 15. Paragraph (a) of subsection (6) of section 212.08, Florida Statutes, is amended to read:
212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(6) EXEMPTIONS; POLITICAL SUBDIVISIONS.—

(a) There are also exempt from the tax imposed by this chapter sales made to the United States Government, a state, or any county, municipality, or political subdivision of a state when payment is made directly to the dealer by the governmental entity. This exemption shall not inure to any transaction otherwise taxable under this chapter when payment is made by a government employee by any means, including, but not limited to, cash, check, or credit card when that employee is subsequently reimbursed by the governmental entity. This exemption does not include sales, rental, use, consumption, or storage for use in any political subdivision or municipality in this state of machines and equipment and parts and accessories therefor used in the generation, transmission, or distribution of electrical energy by systems owned and operated by a political subdivision in this state for transmission or distribution expansion.

Likewise exempt are charges for services rendered by radio and television stations, including line charges, talent fees, or license fees and charges for films, videotapes, and transcriptions used in producing radio or television broadcasts. The exemption provided in this subsection does not include sales, rental, use, consumption, or storage for use in any political subdivision or municipality in this state of machines
and equipment and parts and accessories therefor used in
providing two-way telecommunications services to the public for
hire by the use of a telecommunications facility, as defined in
s. 364.02(14), and for which a certificate is required under
chapter 364, which facility is owned and operated by any county,
municipality, or other political subdivision of the state. Any
immunity of any political subdivision of the state or other
entity of local government from taxation of the property used to
provide telecommunications services that is taxed as a result of
this section is hereby waived. However, the exemption provided
in this subsection includes transactions taxable under this
chapter which are for use by the operator of a public-use
airport, as defined in s. 332.004, in providing such
telecommunications services for the airport or its tenants,
concessionaires, or licensees, or which are for use by a public
hospital for the provision of such telecommunications services.

Section 16. Section 218.077, Florida Statutes, is repealed.

Section 17. Paragraph (w) of subsection (2) of section
252.35, Florida Statutes, is amended to read:

252.35 Emergency management powers; Division of Emergency
Management.—

(2) The division is responsible for carrying out the
provisions of ss. 252.31-252.90. In performing its duties, the
division shall:

(w) Delegate, as necessary and appropriate, authority
vested in it under ss. 252.31-252.90 and provide for the
subdelegation of such authority. The duration of each such
delegation or subdelegation during an emergency may not exceed
60 days; however, a delegation or subdelegation may be renewed
Section 18. Subsection (4) of section 252.38, Florida Statutes, is amended to read:

252.38 Emergency management powers of political subdivisions.—Safeguarding the life and property of its citizens is an innate responsibility of the governing body of each political subdivision of the state.

(4) EXPIRATION AND EXTENSION OF EMERGENCY ORDERS.—

(a) As used in this subsection, the term “emergency order” means an order or ordinance issued or enacted by a political subdivision in response to an emergency pursuant to this chapter or chapter 381 that limits the rights or liberties of individuals or businesses within the political subdivision. The term does not apply to orders issued in response to hurricanes or other weather-related emergencies.

(b) It is the intent of the Legislature to minimize the negative effects of an emergency order issued by a political subdivision. Notwithstanding any other law, an emergency order issued by a political subdivision must be narrowly tailored to serve a compelling public health or safety purpose. Any such emergency order must be limited in duration, applicability, and scope in order to reduce any infringement on individual rights or liberties to the greatest extent possible.

(c) An emergency order automatically expires 7 days after issuance but may be extended by a majority vote of the governing body of the political subdivision, as necessary, in 7-day increments for a total duration of not more than 42 days.

(d) The Governor may, at any time, invalidate an emergency order issued by a political subdivision if the Governor
determines that such order unnecessarily restricts individual
rights or liberties.

e) Upon the expiration of an emergency order, a political
subdivision may not issue a substantially similar order.

Section 19. Subsection (2) of section 252.46, Florida
Statutes, is amended to read:

252.46 Orders and rules.—

(2) All orders and rules adopted by the division or any
political subdivision or other agency authorized by ss. 252.31-
252.90 to make orders and rules have full force and effect of
law after adoption in accordance with chapter 120 in the event
of issuance by the division or any state agency or, if adopted
by a political subdivision of the state or agency thereof, when
filed in the office of the clerk or recorder of the political
subdivision or agency adopting the same. Failure of a political
subdivision to file any such order or rule with the office of
the clerk or recorder within 3 days after issuance voids the
order or rule. All existing laws, ordinances, and rules
inconsistent with ss. 252.31-252.90, or any order or rule issued
under the authority of ss. 252.31-252.90, must be suspended
during the period of time and to the extent that such conflict
exists.

Section 20. Section 311.25, Florida Statutes, is repealed.
Section 21. Paragraph (b) of subsection (1) of section
331.502, Florida Statutes, is amended to read:

331.502 Recovery of spaceflight assets.—

(1) As used in this section, the term:

(b) "Law enforcement agency" has the same meaning as

provided in s. 908.102.
Section 22. Paragraph (a) of subsection (1), subsections (2) and (3), paragraph (d) of subsection (6), and subsections (7), (8), and (9) of section 337.401, Florida Statutes, are amended to read:

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

(1)(a) The department and local governmental entities, referred to in this section and in ss. 337.402, 337.403, and 337.404 as the “authority,” that have jurisdiction and control of public roads or publicly owned rail corridors are authorized to prescribe and enforce reasonable rules or regulations with reference to the placing and maintaining across, on, or within the right-of-way limits of any road or publicly owned rail corridors under their respective jurisdictions any electric transmission, voice, telegraph, data, or other communications services lines or wireless facilities; pole lines; poles; railways; ditches; sewers; water, heat, or gas mains; pipelines; fences; gasoline tanks and pumps; or other structures referred to in this section and in ss. 337.402, 337.403, and 337.404 as the “utility.” The department may enter into a permit-delegation agreement with a governmental entity if issuance of a permit is based on requirements that the department finds will ensure the safety and integrity of facilities of the Department of Transportation; however, the permit-delegation agreement does not apply to facilities of electric utilities as defined in s. 366.02(2).

(2) The authority may grant to any person who is a resident of this state, or to any corporation which is organized under the laws of this state or licensed to do business within this state,
15-01682A-22

state, the use of a right-of-way for the utility in accordance
with such rules or regulations as the authority may adopt. A
utility may not be installed, located, or relocated unless
authorized by a written permit issued by the authority. However,
for public roads or publicly owned rail corridors under the
jurisdiction of the department, a utility relocation schedule
and relocation agreement may be executed in lieu of a written
permit. The permit must require the permitholder to be
responsible for any damage resulting from the issuance of such
permit. The authority may initiate injunctive proceedings as
provided in s. 120.69 to enforce provisions of this subsection
or any rule or order issued or entered into pursuant thereto. A
permit application required under this subsection by a county or
municipality having jurisdiction and control of the right-of-way
of any public road must be processed and acted upon in
accordance with the timeframes provided in subparagraphs
(7)(d)7., 8., and 9.

(3)(a) Because of the unique circumstances applicable to
providers of communications services, including, but not limited
to, the circumstances described in paragraph (e) and the fact
that federal and state law require the nondiscriminatory
treatment of providers of telecommunications services, and
because of the desire to promote competition among providers of
communications services, it is the intent of the Legislature
that municipalities and counties treat providers of
communications services in a nondiscriminatory and competitively
neutral manner when imposing rules or regulations governing the
placement or maintenance of communications facilities in the
public roads or rights-of-way. Rules or regulations imposed by a
municipality or county relating to providers of communications
services placing or maintaining communications facilities in its
roads or rights-of-way must be generally applicable to all
providers of communications services, taking into account the
distinct engineering, construction, operation, maintenance,
public works, and safety requirements of the provider’s
facilities, and, notwithstanding any other law, may not require
a provider of communications services to apply for or enter into
an individual license, franchise, or other agreement with the
municipality or county as a condition of placing or maintaining
communications facilities in its roads or rights-of-way. In
addition to other reasonable rules or regulations that a
municipality or county may adopt relating to the placement or
maintenance of communications facilities in its roads or rights-
of-way under this subsection or subsection (7), a municipality
or county may require a provider of communications services that
places or seeks to place facilities in its roads or rights-of-way to register with the municipality or county. To register, a
provider of communications services may be required only to
provide its name; the name, address, and telephone number of a
contact person for the registrant; the number of the
registrant’s current certificate of authorization issued by the
Florida Public Service Commission, the Federal Communications
Commission, or the Department of State; a statement of whether
the registrant is a pass-through provider as defined in
subparagraph (6)(a)1.; the registrant’s federal employer
identification number; and any required proof of insurance or
self-insuring status adequate to defend and cover claims. A
municipality or county may not require a registrant to renew a
registration more frequently than every 5 years but may require
during this period that a registrant update the registration
information provided under this subsection within 90 days after
a change in such information. A municipality or county may not
require the registrant to provide an inventory of communications
facilities, maps, locations of such facilities, or other
information by a registrant as a condition of registration,
renewal, or for any other purpose; provided, however, that a
municipality or county may require as part of a permit
application that the applicant identify at-grade communications
facilities within 50 feet of the proposed installation location
for the placement of at-grade communications facilities. A
municipality or county may not require a provider to pay any
fee, cost, or other charge for registration or renewal thereof.
It is the intent of the Legislature that the placement,
operation, maintenance, upgrading, and extension of
communications facilities not be unreasonably interrupted or
delayed through the permitting or other local regulatory
process. Except as provided in this chapter or otherwise
expressly authorized by chapter 202, chapter 364, or chapter
610, a municipality or county may not adopt or enforce any
ordinance, regulation, or requirement as to the placement or
operation of communications facilities in a right-of-way by a
communications services provider authorized by state or local
law to operate in a right-of-way; regulate any communications
services; or impose or collect any tax, fee, cost, charge, or
exaction for the provision of communications services over the
communications services provider’s communications facilities in
a right-of-way.
(b) Registration described in paragraph (a) does not establish a right to place or maintain, or priority for the placement or maintenance of, a communications facility in roads or rights-of-way of a municipality or county. Each municipality and county retains the authority to regulate and manage municipal and county roads or rights-of-way in exercising its police power, subject to the limitations imposed in this section and chapters 202 and 610. Any rules or regulations adopted by a municipality or county which govern the occupation of its roads or rights-of-way by providers of communications services must be related to the placement or maintenance of facilities in such roads or rights-of-way, must be reasonable and nondiscriminatory, and may include only those matters necessary to manage the roads or rights-of-way of the municipality or county.

(c) Any municipality or county that, as of January 1, 2019, elected to require permit fees from any provider of communications services that uses or occupies municipal or county roads or rights-of-way pursuant to former paragraph (c) or former paragraph (j), Florida Statutes 2018, may continue to require and collect such fees. A municipality or county that elected as of January 1, 2019, to require permit fees may elect to forego such fees as provided herein. A municipality or county that elected as of January 1, 2019, not to require permit fees may not elect to impose permit fees. All fees authorized under this paragraph must be reasonable and commensurate with the direct and actual cost of the regulatory activity, including issuing and processing permits, plan reviews, physical inspection, and direct administrative costs; must be
demonstrable; and must be equitable among users of the roads or rights-of-way. A fee authorized under this paragraph may not be offset against the tax imposed under chapter 202; include the costs of roads or rights-of-way acquisition or roads or rights-of-way rental; include any general administrative, management, or maintenance costs of the roads or rights-of-way; or be based on a percentage of the value or costs associated with the work to be performed on the roads or rights-of-way. In an action to recover amounts due for a fee not authorized under this paragraph, the prevailing party may recover court costs and attorney fees at trial and on appeal. In addition to the limitations set forth in this section, a fee levied by a municipality or charter county under this paragraph may not exceed $100. However, permit fees may not be imposed with respect to permits that may be required for service drop lines not required to be noticed under s. 556.108(5) or for any activity that does not require the physical disturbance of the roads or rights-of-way or does not impair access to or full use of the roads or rights-of-way, including, but not limited to, the performance of service restoration work on existing facilities, extensions of such facilities for providing communications services to customers, and the placement of micro wireless facilities in accordance with subparagraph (7)(e)3.

1. If a municipality or charter county elects to not require permit fees, the total rate for the local communications services tax as computed under s. 202.20 for that municipality or charter county may be increased by ordinance or resolution by an amount not to exceed a rate of 0.12 percent.

2. If a noncharter county elects to not require permit
fees, the total rate for the local communications services tax
as computed under s. 202.20 for that noncharter county may be
increased by ordinance or resolution by an amount not to exceed
a rate of 0.24 percent, to replace the revenue the noncharter
county would otherwise have received from permit fees for
providers of communications services.

(d) In addition to any other notice requirements, a
municipality must provide to the Secretary of State, at least 10
days prior to consideration on first reading, notice of a
proposed ordinance governing a telecommunications company
placing or maintaining telecommunications facilities in its
roads or rights-of-way. In addition to any other notice
requirements, a county must provide to the Secretary of State,
at least 15 days prior to consideration at a public hearing,
otice of a proposed ordinance governing a telecommunications
cOMPANY placing or maintaining telecommunications facilities in
its roads or rights-of-way. The notice required by this
paragraph must be published by the Secretary of State on a
designated Internet website. The failure of a municipality or
county to provide such notice does not render the ordinance
invalid, provided that enforcement of such ordinance must be
suspended until 30 days after the municipality or county
provides the required notice.

(e) The authority of municipalities and counties to require
franchise fees from providers of communications services, with
respect to the provision of communications services, is
specifically preempted by the state because of unique
circumstances applicable to providers of communications services
when compared to other utilities occupying municipal or county
roads or rights-of-way. Providers of communications services may provide similar services in a manner that requires the placement of facilities in municipal or county roads or rights-of-way or in a manner that does not require the placement of facilities in such roads or rights-of-way. Although similar communications services may be provided by different means, the state desires to treat providers of communications services in a nondiscriminatory manner and to have the taxes, franchise fees, and other fees, costs, and financial or regulatory exacti

paid by or imposed on providers of communications services be competitively neutral. Municipalities and counties retain all existing authority, if any, to collect franchise fees from users or occupants of municipal or county roads or rights-of-way other than providers of communications services, and the provisions of this subsection shall have no effect upon this authority. The provisions of this subsection do not restrict the authority, if any, of municipalities or counties or other governmental entities to receive reasonable rental fees based on fair market value for the use of public lands and buildings on property outside the public roads or rights-of-way for the placement of communications antennas and towers.

(f) Except as expressly allowed or authorized by general law and except for the rights-of-way permit fees subject to paragraph (c), a municipality or county may not levy on a provider of communications services a tax, fee, or other charge or imposition for operating as a provider of communications services within the jurisdiction of the municipality or county which is in any way related to using its roads or rights-of-way. A municipality or county may not require or solicit in-kind
compensation, except as otherwise provided in s. 202.24(2)(c)8.
or, provided that the in-kind compensation is not a franchise
fee under federal law. Nothing in this paragraph impairs the
authority of a municipality or county to request public,
educational, or governmental access channels pursuant to s.
610.109. Nothing in this paragraph shall impair any ordinance or
agreement in effect on May 22, 1998, or any voluntary agreement
entered into subsequent to that date, which provides for or
allows in-kind compensation by a telecommunications company.

(g) A municipality or county may not use its authority over
the placement of facilities in its roads and rights-of-way as a
basis for asserting or exercising regulatory control over a
provider of communications services regarding matters within the
exclusive jurisdiction of the Florida Public Service Commission
or the Federal Communications Commission, including, but not
limited to, the operations, systems, equipment, technology,
qualifications, services, service quality, service territory,
and prices of a provider of communications services. A
municipality or county may not require any permit for the
maintenance, repair, replacement, extension, or upgrade of
existing aerial wireline communications facilities on utility
poles or for aerial wireline facilities between existing
wireline communications facility attachments on utility poles by
a communications services provider. However, a municipality or
county may require a right-of-way permit for work that involves
excavation, closure of a sidewalk, or closure of a vehicular
lane or parking lane, unless the provider is performing service
restoration to existing facilities. A permit application
required by an authority under this section for the placement of
communications facilities must be processed and acted upon consistent with the timeframes provided in subparagraphs (7)(d), 8., and 9. In addition, a municipality or county may not require any permit or other approval, fee, charge, or cost, or other exaction for the maintenance, repair, replacement, extension, or upgrade of existing aerial lines or underground communications facilities located on private property outside of the public rights-of-way. As used in this section, the term “extension of existing facilities” includes those extensions from the rights-of-way into a customer’s private property for purposes of placing a service drop or those extensions from the rights-of-way into a utility easement to provide service to a discrete identifiable customer or group of customers.

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

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

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

(d) The amounts charged pursuant to this subsection shall be based on the linear miles of roads or rights-of-way where a communications facility is placed, not based on a summation of the lengths of individual cables, conduits, strands, or fibers. The amounts referenced in this subsection may be charged only once annually and only to one person annually for any communications facility. A municipality or county shall discontinue charging such amounts to a person that has ceased to be a pass-through provider. Any annual amounts charged shall be reduced for a prorated portion of any 12-month period during which the person remits taxes imposed by the municipality or county pursuant to chapter 202. Any excess amounts paid to a municipality or county shall be refunded to the person upon written notice of the excess to the municipality or county. A municipality or county may require a pass-through provider to provide an annual notarized statement identifying the total number of linear miles of pass-through facilities in the municipality’s or county’s rights-of-way. Upon request from a municipality or county, a pass-through provider must provide
reasonable access to maps of pass-through facilities located in the rights-of-way of the municipality or county making the request. The scope of the request must be limited to only those maps of pass-through facilities from which the calculation of the linear miles of pass-through facilities in the rights-of-way can be determined. The request must be accompanied by an affidavit that the person making the request is authorized by the municipality or county to review tax information related to the revenue and mileage calculations for pass-through providers. A request may not be made more than once annually to a pass-through provider.

(7)(a) This subsection may be cited as the “Advanced Wireless Infrastructure Deployment Act.”

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

1. “Antenna” means communications equipment that transmits or receives electromagnetic radio frequency signals used in providing wireless services.

2. “Applicable codes” means uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization or local amendments to those codes enacted solely to address threats of destruction of property or injury to persons, and includes the National Electric Safety Code and the 2017 edition of the Florida Department of Transportation Utility Accommodation Manual.

3. “Applicant” means a person who submits an application and is a wireless provider.

4. “Application” means a request submitted by an applicant to an authority for a permit to collocate small wireless facilities or to place a new utility pole used to support a
small wireless facility.

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

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

a. A retirement community that:
   (I) Is deed restricted as housing for older persons as defined in s. 760.29(4)(b);
   (II) Has more than 5,000 residents; and
   (III) Has underground utilities for electric transmission or distribution.

b. A municipality that:
   (I) Is located on a coastal barrier island as defined in s. 161.053(1)(b)3.;
   (II) Has a land area of less than 5 square miles;
   (III) Has less than 10,000 residents; and
   (IV) Has, before July 1, 2017, received referendum approval to issue debt to finance municipal-wide undergrounding of its utilities for electric transmission or distribution.

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


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

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

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

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

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

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

a. The structure or improvements on, under, within, or adjacent to the structure on which the equipment is collocated;
b. Wireline backhaul facilities; or
e. Coaxial or fiber-optic cable that is between wireless structures or utility poles or that is otherwise not immediately adjacent to or directly associated with a particular antenna.

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

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

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

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

17. "Wireless support structure" means a freestanding structure, such as a monopole, a guyed or self-supporting tower, or another existing or proposed structure designed to support or capable of supporting wireless facilities. The term does not include a utility pole, pedestal, or other support structure for ground-based equipment not mounted on a utility pole and less than 5 feet in height.

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

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

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

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

3. An authority may not:
   a. Require the placement of small wireless facilities on any specific utility pole or category of poles;
   b. Require the placement of multiple antenna systems on a single utility pole;
   c. Require a demonstration that collocation of a small wireless facility on an existing structure is not legally or technically possible as a condition for granting a permit for the collocation of a small wireless facility on a new utility pole except as provided in paragraph (i);
   d. Require compliance with an authority’s provisions regarding placement of small wireless facilities or a new utility pole used to support a small wireless facility in rights-of-way under the control of the department unless the authority has received a delegation from the department for the location of the small wireless facility or utility pole, or require such compliance as a condition to receive a permit that is ancillary to the permit for collocation of a small wireless facility, including an electrical permit;
   e. Require a meeting before filing an application;
   f. Require direct or indirect public notification or a public meeting for the placement of communication facilities in the right-of-way;
g. Limit the size or configuration of a small wireless facility or any of its components, if the small wireless facility complies with the size limits in this subsection; 

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

i. Require that any component of a small wireless facility be placed underground except as provided in paragraph (i).

4. Subject to paragraph (r), an authority may not limit the placement, by minimum separation distances, of small wireless facilities, utility poles on which small wireless facilities are or will be collocated, or other at-grade communications facilities. However, within 14 days after the date of filing the application, an authority may request that the proposed location of a small wireless facility be moved to another location in the right-of-way and placed on an alternative authority utility pole or support structure or placed on a new utility pole. The authority and the applicant may negotiate the alternative location, including any objective design standards and reasonable spacing requirements for ground-based equipment, for 30 days after the date of the request. At the conclusion of the negotiation period, if the alternative location is accepted by the applicant, the applicant must notify the authority of such acceptance and the application shall be deemed granted for any new location for which there is agreement and all other locations in the application. If an agreement is not reached, the applicant must notify the authority of such nonagreement and the authority must grant or deny the original application within
90 days after the date the application was filed. A request for an alternative location, an acceptance of an alternative location, or a rejection of an alternative location must be in writing and provided by electronic mail.

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

6. The installation by a communications services provider of a utility pole in the public rights-of-way, other than a utility pole used to support a small wireless facility, is subject to authority rules or regulations governing the placement of utility poles in the public rights-of-way.

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

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

9. An authority must notify the applicant of approval or denial by electronic mail. An authority shall approve a complete application unless it does not meet the authority’s applicable codes. If the application is denied, the authority must specify in writing the basis for denial, including the specific code provisions on which the denial was based, and send the documentation to the applicant by electronic mail on the day the authority denies the application. The applicant may cure the deficiencies identified by the authority and resubmit the application within 30 days after notice of the denial is sent to the applicant. The authority shall approve or deny the revised application within 30 days after receipt or the application is deemed approved. The review of a revised application is limited to the deficiencies cited in the denial. If an authority provides for administrative review of the denial of an application, the review must be complete and a written decision issued within 45 days after a written request for review is made. A denial must identify the specific code provisions on which the denial is based. If the administrative review is not complete within 45 days, the authority waives any claim regarding failure to exhaust administrative remedies in any

CODING: Words stricken are deletions; words underlined are additions.
judicial review of the denial of an application.

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

11. An authority may deny an application to collocate a small wireless facility or place a utility pole used to support a small wireless facility in the public rights-of-way if the proposed small wireless facility or utility pole used to support a small wireless facility:

   a. Materially interferes with the safe operation of traffic control equipment.
   b. Materially interferes with sight lines or clear zones for transportation, pedestrians, or public safety purposes.
   c. Materially interferes with compliance with the Americans with Disabilities Act or similar federal or state standards regarding pedestrian access or movement.
   d. Materially fails to comply with the 2017 edition of the Florida Department of Transportation Utility Accommodation Manual.
   e. Fails to comply with applicable codes.
   f. Fails to comply with objective design standards authorized under paragraph (r).

12. An authority may adopt by ordinance provisions for insurance coverage, indemnification, force majeure, abandonment,
authority liability, or authority warranties. Such provisions must be reasonable and nondiscriminatory. An authority may require a construction bond to secure restoration of the postconstruction rights-of-way to the preconstruction condition. However, such bond must be time-limited to not more than 18 months after the construction to which the bond applies is completed. For any financial obligation required by an authority allowed under this section, the authority shall accept a letter of credit or similar financial instrument issued by any financial institution that is authorized to do business within the United States, provided that a claim against the financial instrument may be made by electronic means, including by facsimile. A provider of communications services may add an authority to any existing bond, insurance policy, or other relevant financial instrument, and the authority must accept such proof of coverage without any conditions other than consent to venue for purposes of any litigation to which the authority is a party. An authority may not require a communications services provider to indemnify it for liabilities not caused by the provider, including liabilities arising from the authority’s negligence, gross negligence, or willful conduct.

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

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

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

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

1. Routine maintenance, the performance of service
restoration work on existing facilities, or repair work,
including, but not limited to, emergency repairs of existing
facilities or extensions of such facilities for providing
communications services to customers;

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

3. Installation, placement, maintenance, or replacement of
micro wireless facilities that are suspended on cables strung
between existing utility poles in compliance with applicable
codes by or for a communications services provider authorized to
occupy the rights-of-way and who is remitting taxes under
chapter 202. An authority may require an initial letter from or
on behalf of such provider, which is effective upon filing,
attesting that the micro wireless facility dimensions comply
with the limits of this subsection. The authority may not
require any additional filing or other information as long as
the provider is deploying the same, a substantially similar, or
a smaller size micro wireless facility equipment.
Notwithstanding this paragraph, an authority may require a right-of-way permit for work that involves excavation, closure of a sidewalk, or closure of a vehicular lane or parking lane, unless the provider is performing service restoration on an existing facility and the work is done in compliance with the 2017 edition of the Florida Department of Transportation Utility Accommodation Manual. An authority may require notice of such work within 30 days after restoration and may require an after-the-fact permit for work which would otherwise have required a permit.

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

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

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

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

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

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

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

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

c. For an authority utility pole that does not support an aerial facility used to provide communications services or electric service, the authority shall provide a good faith estimate for any make-ready work necessary to enable the pole to support the requested collocation, including necessary pole replacement, within 60 days after receipt of a complete application. Make-ready work, including any pole replacement, must be completed within 60 days after written acceptance of the
good faith estimate by the applicant. Alternatively, an
authority may require the applicant seeking to collocate a small
wireless facility to provide a make-ready estimate at the
applicant’s expense for the work necessary to support the small
wireless facility, including pole replacement, and perform the
make-ready work. If pole replacement is required, the scope of
the make-ready estimate is limited to the design, fabrication,
and installation of a utility pole that is substantially similar
in color and composition. The authority may not condition or
restrict the manner in which the applicant obtains, develops, or
provides the estimate or conducts the make-ready work subject to
usual construction restoration standards for work in the right-of-way. The replaced or altered utility pole shall remain the
property of the authority.

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

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

(h) Except as provided in this section or specifically required by state law, an authority may not adopt or enforce any regulation on the placement or operation of communications facilities in the rights-of-way by a provider authorized by state law to operate in the rights-of-way and may not regulate any communications services or impose or collect any tax, fee, or charge not specifically authorized under state law. This paragraph does not alter any law regarding an authority’s ability to regulate the relocation of facilities.

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

a. The authority, at least 90 days prior to the submission of an application, has required all public utility lines to be placed underground;

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

c. A wireless provider may install a new utility pole in
the designated area in the right-of-way that otherwise complies
with this subsection and it is not reasonably able to provide
wireless service by collocating on a remaining utility pole or
other structure in the right-of-way.

2. For small wireless facilities installed before an
authority adopts requirements that public utility lines be
placed underground, an authority adopting such requirements
must:

a. Allow a wireless provider to maintain the small wireless
facilities in place subject to any applicable pole attachment
agreement with the pole owner; or

b. Allow the wireless provider to replace the associated
pole within 50 feet of the prior location in accordance with
paragraph (r).

(j) A wireless infrastructure provider may apply to an
authority to place utility poles in the public rights-of-way to
support the collocation of small wireless facilities. The
application must include an attestation that small wireless
facilities will be collocated on the utility pole or structure
and will be used by a wireless services provider to provide
service within 9 months after the date the application is
approved. The authority shall accept and process the application
in accordance with subparagraph (d)6. and any applicable codes
and other local codes governing the placement of utility poles
in the public rights-of-way.
(k) This subsection does not limit a local government’s authority to enforce historic preservation zoning regulations consistent with the preservation of local zoning authority under 47 U.S.C. s. 332(c)(7), the requirements for facility modifications under 47 U.S.C. s. 1455(a), or the National Historic Preservation Act of 1966, as amended, and the regulations adopted to implement such laws. An authority may enforce local codes, administrative rules, or regulations adopted by ordinance in effect on April 1, 2017, which are applicable to a historic area designated by the state or authority. An authority may enforce pending local ordinances, administrative rules, or regulations applicable to a historic area designated by the state if the intent to adopt such changes has been publicly declared on or before April 1, 2017. An authority may waive any ordinances or other requirements that are subject to this paragraph.

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

(m) The approval of the installation, placement, maintenance, or operation of a small wireless facility pursuant to this subsection does not authorize the provision of any voice, data, or video communications services or the installation, placement, maintenance, or operation of any communications facilities other than small wireless facilities.
in the right-of-way.

(n) This subsection does not affect provisions relating to pass-through providers in subsection (6).

(o) This subsection does not authorize a person to collocate or attach small wireless facilities or micro wireless facilities on a utility pole, unless otherwise permitted by federal law, or erect a wireless support structure in the right-of-way located within a retirement community that:
   1. Is deed restricted as housing for older persons as defined in s. 760.29(4)(b);
   2. Has more than 5,000 residents; and
   3. Has underground utilities for electric transmission or distribution.

This paragraph does not apply to the installation, placement, maintenance, or replacement of micro wireless facilities on any existing and duly authorized aerial communications facilities, provided that once aerial facilities are converted to underground facilities, any such collocation or construction shall be only as provided by the municipality’s underground utilities ordinance.

(p) This subsection does not authorize a person to collocate or attach small wireless facilities or micro wireless facilities on a utility pole, unless otherwise permitted by federal law, or erect a wireless support structure in the right-of-way located within a municipality that:
   1. Is located on a coastal barrier island as defined in s. 161.053(1)(b)3.;
   2. Has a land area of less than 5 square miles;
3. Has fewer than 10,000 residents; and

4. Has, before July 1, 2017, received referendum approval to issue debt to finance municipal-wide undergrounding of its utilities for electric transmission or distribution.

This paragraph does not apply to the installation, placement, maintenance, or replacement of micro wireless facilities on any existing and duly authorized aerial communications facilities, provided that once aerial facilities are converted to underground facilities, any such collocation or construction shall be only as provided by the municipality’s underground utilities ordinance.

(q) This subsection does not authorize a person to collocate small wireless facilities or micro wireless facilities on an authority utility pole or erect a wireless support structure in a location subject to covenants, conditions, restrictions, articles of incorporation, and bylaws of a homeowners’ association. This paragraph does not apply to the installation, placement, maintenance, or replacement of micro wireless facilities on any existing and duly authorized aerial communications facilities.

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

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

2. Reasonable spacing requirements concerning the location of a ground-mounted component of a small wireless facility which does not exceed 15 feet from the associated support structure;
3. A small wireless facility to meet reasonable location context, color, camouflage, and concealment requirements, subject to the limitations in this subsection; and

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

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

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

(b) The court may:

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

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

(9) All work in the authority’s rights-of-way under this section must comply with the 2017 edition of the Florida Department of Transportation Utility Accommodation Manual.

Section 23. Paragraphs (a) through (e), (k), and (l) of
subsection (2) and subsections (4) and (6) of section 350.81, Florida Statutes, are amended to read:

350.81 Communications services offered by governmental entities.—

(2) (a) A governmental entity that proposes to provide a communications service shall hold no less than two public hearings, which shall be held not less than 30 days apart. At least 30 days before the first of the two public hearings, the governmental entity must give notice of the hearing in the predominant newspaper of general circulation in the area considered for service. At least 40 days before the first public hearing, the governmental entity must electronically provide notice to the Department of Revenue and the Public Service Commission, which shall post the notice on the department’s and the commission’s website to be available to the public. The Department of Revenue shall also send the notice by United States Postal Service to the known addresses for all dealers of communications services registered with the department under chapter 202 or provide an electronic notification, if the means are available, within 10 days after receiving the notice. The notice must include the time and place of the hearings and must state that the purpose of the hearings is to consider whether the governmental entity will provide communications services. The notice must include, at a minimum, the geographic areas proposed to be served by the governmental entity and the services, if any, which the governmental entity believes are not currently being adequately provided. The notice must also state that any dealer who wishes to do so may appear and be heard at the public hearings.
(b) At a public hearing required by this subsection, a governmental entity must, at a minimum, consider:

1. Whether the service that is proposed to be provided is currently being offered in the community and, if so, whether the service is generally available throughout the community.

2. Whether a similar service is currently being offered in the community and, if so, whether the service is generally available throughout the community.

3. If the same or similar service is not currently offered, whether any other service provider proposes to offer the same or a similar service and, if so, what assurances that service provider is willing or able to offer regarding the same or similar service.

4. The capital investment required by the governmental entity to provide the communications service, the estimated realistic cost of operation and maintenance and, using a full cost-accounting method, the estimated realistic revenues and expenses of providing the service and the proposed method of financing.

4.5. The private and public costs and benefits of providing the service by a private entity or a governmental entity, including the affect on existing and future jobs, actual economic development prospects, tax base growth, education, and public health.

(c) At one or more of the public hearings under this subsection, the governmental entity must make available to the public a written business plan for the proposed communications service venture containing, at a minimum:

1. The projected number of subscribers to be served by the
venture.

2. The geographic area to be served by the venture.

3. The types of communications services to be provided.

4. A plan to ensure that revenues exceed operating expenses and payment of principal and interest on debt within 4 years.

5. Estimated capital and operational costs and revenues for the first 4 years.

6. Projected network modernization and technological upgrade plans, including estimated costs.

(d) After making specific findings regarding the factors in paragraphs (b) and (c), the governmental entity may authorize providing a communications service by a majority recorded vote and by resolution, ordinance, or other formal means of adoption.

(e)1. The governing body of a governmental entity may issue one or more bonds to finance the capital costs for facilities to provide a communications service. However:

1. A governmental entity may only pledge revenues in support of the issuance of any bond to finance providing a communications service:

   a. Within the county in which the governmental entity is located;

   b. Within an area in which the governmental entity provides electric service outside its home county under an electric service territorial agreement approved by the Public Service Commission before the effective date of this act; or

   c. If the governmental entity is a municipality or special district, within its corporate limits or in an area in which the municipality or special district provides water, wastewater, electric, or natural gas service, or within an urban service
area designated in a comprehensive plan, whichever is larger, unless the municipality or special district obtains the consent by formal action of the governmental entity within the boundaries of which the municipality or special district proposes to provide service. For consent to be effective, any governmental entity from which consent is sought shall be located within the county in which the governmental entity is located or that county.

2. Revenue bonds issued in order to finance providing a communications service are not subject to the approval of the electors if the revenue bonds mature within 15 years. Revenue bonds issued to finance providing a communications service that does not mature within 15 years must be approved by the electors. The election must be conducted as specified in chapter 100.

(k) The governmental entity shall conduct an annual review at a formal public meeting to consider the progress the governmental entity is making toward reaching its business plan goals and objectives for providing communication services. At the public meeting the governmental entity shall review the related revenues, operating expenses, and payment of interest on debt.

(l) If, after 4 years following the initiation of the provision of communications services by a governmental entity or 4 years after the effective date of this act, whichever is later, revenues do not exceed operating expenses and payment of principal and interest on the debt for a governmental entity’s provision of communications services, no later than 60 days following the end of the 4-year period a governmental entity
shall hold a public hearing at which the governmental entity shall do at least one of the following:

1. Approve a plan to cease providing communications services;

2. Approve a plan to dispose of the system the governmental entity is using to provide communications services and, accordingly, to cease providing communications services;

3. Approve a plan to create a partnership with a private entity in order to achieve operations in which revenues exceed operating expenses and payment of principal and interest on debt; or

4. Approve the continuing provision of communications services by a majority vote of the governing body of the governing authority.

(4)(a) If a governmental entity was providing, as of April 1, 2005, advanced services, cable services, or telecommunications services, then it is not required to comply with paragraph (2)(a), paragraph (2)(b), paragraph (2)(c), paragraph (2)(d), sub-subparagraph (2)(e)1.c., paragraph (2)(f), or paragraph (2)(k) in order to continue to provide advanced services, cable services, or telecommunications services, respectively, but it must comply with and be subject to all other provisions of this section.

(b) If a governmental entity, as of April 1, 2005, had issued debt pledging revenues from an advanced service, cable service, or telecommunications service, then it is not required to comply with paragraph (2)(a), paragraph (2)(b), paragraph (2)(c), paragraph (2)(d), sub-subparagraph (2)(e)1.c., paragraph (2)(f), or paragraph (2)(k) in order to provide advanced
services, cable services, or telecommunications services, respectively, but it must comply with and be subject to all other provisions of this section.

(c) If a governmental entity, as of April 1, 2005, has purchased equipment specifically for the provisioning of advanced service, cable service, or telecommunication service, and, as of May 6, 2005, has a population of less than 7,500, and has authorized by formal action the providing of an advanced service, cable service, or telecommunication service, then it is not required to comply with paragraph (2)(a), paragraph (2)(b), paragraph (2)(c), paragraph (2)(d), subparagraph (2)(e)., paragraph (2)(f), or paragraph (2)(k) in order to provide advanced service, cable service, or telecommunication service, respectively, but it must comply with and be subject to all other provisions of this section.

This subsection does not relieve a governmental entity from complying with subsection (5).

(6) To ensure the safe and secure transportation of passengers and freight through an airport facility, as defined in s. 159.27(17), an airport authority or other governmental entity that provides or is proposing to provide communications services only within the boundaries of its airport layout plan, as defined in s. 333.01(6), to subscribers which are integral and essential to the safe and secure transportation of passengers and freight through the airport facility, is exempt from this section. An airport authority or other governmental entity that provides or is proposing to provide shared-tenant service under s. 364.339, but not dial tone enabling subscribers
to complete calls outside the airport layout plan, to one or
more subscribers within its airport layout plan which are not
integral and essential to the safe and secure transportation of
passengers and freight through the airport facility is exempt
from this section. An airport authority or other governmental
entity that provides or is proposing to provide communications
services to one or more subscribers within its airport layout
plan which are not integral and essential to the safe and secure
transportation of passengers and freight through the airport
facility, or to one or more subscribers outside its airport
layout plan, is not exempt from this section. By way of example
and not limitation, the integral, essential subscribers may
include airlines and emergency service entities, and the
nonintegral, nonessential subscribers may include retail shops,
restaurants, hotels, or rental car companies.

Section 24. Section 366.032, Florida Statutes, is repealed.
Section 25. Section 377.707, Florida Statutes, is repealed.
Section 26. Subsection (9) of section 403.412, Florida
Statutes, is amended to read:

403.412 Environmental Protection Act.—
(9)(a) A local government regulation, ordinance, code,
rule, comprehensive plan, charter, or any other provision of law
may not recognize or grant any legal rights to a plant, an
animal, a body of water, or any other part of the natural
environment that is not a person or political subdivision as
defined in s. 1.01(8) or grant such person or political
subdivision any specific rights relating to the natural
environment not otherwise authorized in general law or
specifically granted in the State Constitution.
(b) This subsection does not limit the power of an adversely affected party to challenge the consistency of a development order with a comprehensive plan as provided in s. 163.3215 or to file an action for injunctive relief to enforce the terms of a development agreement or challenge compliance of the agreement as provided in s. 163.3243.

(c) This subsection does not limit the standing of the Department of Legal Affairs, a political subdivision or municipality of the state, or a citizen of the state to maintain an action for injunctive relief as provided in this section.

Section 27. Section 403.7033, Florida Statutes, is amended to read:

403.7033 Departmental analysis of particular recyclable materials.—The Legislature finds that prudent regulation of recyclable materials is crucial to the ongoing welfare of Florida’s ecology and economy. As such, the Department of Environmental Protection shall review and update its 2010 report on retail bags analyzing the need for new or different regulation of auxiliary containers, wrappings, or disposable plastic bags used by consumers to carry products from retail establishments. The updated report must include input from state and local government agencies, stakeholders, private businesses, and citizens and must evaluate the efficacy and necessity of both statewide and local regulation of these materials. To ensure consistent and effective implementation, the department shall submit the updated report with conclusions and recommendations to the Legislature no later than December 31, 2021. Until such time that the Legislature adopts the recommendations of the department, a local government, local
governmental agency, or state governmental agency may not enact any rule, regulation, or ordinance regarding use, disposition, sale, prohibition, restriction, or tax of such auxiliary containers, wrappings, or disposable plastic bags.

Section 28. Paragraph (a) of subsection (4) of section 489.117, Florida Statutes, is amended to read:

489.117 Registration; specialty contractors.—

(4)(a) A person whose job scope does not substantially correspond to either the job scope of one of the contractor categories defined in s. 489.105(3)(a)-(o), or the job scope of one of the certified specialty contractor categories established by board rule, is not required to register with the board. A local government, as defined in s. 163.211, may not require a person to obtain a license for a job scope which does not substantially correspond to the job scope of one of the contractor categories defined in s. 489.105(3)(a)-(o) and (q) or authorized in s. 489.1455(1). For purposes of this section, job scopes for which a local government may not require a license include, but are not limited to, painting; flooring; cabinetry; interior remodeling; driveway or tennis court installation; handyman services; decorative stone, tile, marble, granite, or terrazzo installation; plastering; stuccoing; caulking; and canvas awning and ornamental iron installation.

Section 29. Subsection (1) of section 489.1455, Florida Statutes, is amended to read:

489.1455 Journeyman; reciprocity; standards.—

(1) Counties and municipalities are authorized to issue journeyman licenses in the plumbing, pipe fitting, mechanical, or HVAC trades.
Section 30. Subsection (1) of section 489.5335, Florida Statutes, is amended to read:

489.5335 Journeyman; reciprocity; standards.—

(1) Counties and municipalities are authorized to issue journeyman licenses in the electrical and alarm system trades.

Section 31. Subsection (7) of section 499.002, Florida Statutes, is amended to read:

499.002 Purpose, administration, and enforcement of and exemption from this part.—

(7) Notwithstanding any other law or local ordinance or regulation to the contrary, the regulation of over-the-counter proprietary drugs and cosmetics is expressly preempted to the state.

Section 32. Section 500.90, Florida Statutes, is repealed.

Section 33. Subsection (4) of section 790.251, Florida Statutes, is amended to read:

790.251 Protection of the right to keep and bear arms in motor vehicles for self-defense and other lawful purposes; prohibited acts; duty of public and private employers; immunity from liability; enforcement.—

(4) PROHIBITED ACTS.—No public or private employer may violate the constitutional rights of any customer, employee, or invitee as provided in paragraphs (a)-(e):

(a) No public or private employer may prohibit any customer, employee, or invitee from possessing any legally owned firearm when such firearm is lawfully possessed and locked inside or locked to a private motor vehicle in a parking lot and when the customer, employee, or invitee is lawfully in such area.
(b) No public or private employer may violate the privacy rights of a customer, employee, or invitee by verbal or written inquiry regarding the presence of a firearm inside or locked to a private motor vehicle in a parking lot or by an actual search of a private motor vehicle in a parking lot to ascertain the presence of a firearm within the vehicle. Further, no public or private employer may take any action against a customer, employee, or invitee based upon verbal or written statements of any party concerning possession of a firearm stored inside a private motor vehicle in a parking lot for lawful purposes. A search of a private motor vehicle in the parking lot of a public or private employer to ascertain the presence of a firearm within the vehicle may only be conducted by on-duty law enforcement personnel, based upon due process and must comply with constitutional protections.

(c) No public or private employer shall condition employment upon either:

1. The fact that an employee or prospective employee holds or does not hold a license issued pursuant to s. 790.06; or

2. Any agreement by an employee or a prospective employee that prohibits an employee from keeping a legal firearm locked inside or locked to a private motor vehicle in a parking lot when such firearm is kept for lawful purposes.

(d) No public or private employer shall prohibit or attempt to prevent any customer, employee, or invitee from entering the parking lot of the employer’s place of business because the customer’s, employee’s, or invitee’s private motor vehicle contains a legal firearm being carried for lawful purposes, that is out of sight within the customer’s, employee’s, or invitee’s
(e) No public or private employer may terminate the employment of or otherwise discriminate against an employee, or expel a customer or invitee for exercising his or her constitutional right to keep and bear arms or for exercising the right of self-defense as long as a firearm is never exhibited on company property for any reason other than lawful defensive purposes.

This subsection applies to all public sector employers, including those already prohibited from regulating firearms under the provisions of s. 790.33.

Section 34. Section 569.0025, Florida Statutes, is repealed.

Section 35. Section 569.315, Florida Statutes, is repealed.

Section 36. Section 790.33, Florida Statutes, is repealed.

Section 37. Subsection (41) of section 570.07, Florida Statutes, is amended to read:

570.07 Department of Agriculture and Consumer Services; functions, powers, and duties.—The department shall have and exercise the following functions, powers, and duties:

(41)(a) Except as otherwise provided in paragraph (b), to exercise the exclusive authority to regulate the sale, composition, packaging, labeling, wholesale and retail distribution, and formulation, including nutrient content level and release rates, of fertilizer under chapter 576. This subsection expressly preempts such regulation of fertilizer to the state.

(b) An ordinance regulating the sale of fertilizer adopted
by a county or municipal government before July 1, 2011, is exempt from this subsection, and the county or municipal government may enforce such ordinance within its respective jurisdiction.

Section 38. Chapter 908, Florida Statutes, consisting of ss. 908.101, 908.102, 908.103, 908.104, 908.105, 908.106, 908.107, 908.108, and 908.109, Florida Statutes, is repealed.

Section 39. This act shall take effect on the effective date of the amendment to the State Constitution proposed by SJR 152 or a similar joint resolution having substantially the same specific intent and purpose, if such amendment to the State Constitution is approved at the general election held in November 2022 or at an earlier special election specifically authorized by law for that purpose.