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 government 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 and
municipalities 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 on 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 provisions which provide 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 counties and 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
government 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 entities of local
government to pay ad valorem taxes or fees under
specified conditions on certain telecommunications
facilities; removing a waiver on immunity on taxation
of property for municipalities or entities of local
government under such circumstances; 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 which require the Executive Office of the Governor to conduct a budget hearing considering 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 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 provisions which provide limitations on the timeframe for delegation of certain authorities by the division; amending s. 252.38, F.S.; removing provisions specifying requirements for the purpose and scope of emergency orders; removing provisions which provide for the automatic expiration of emergency orders; removing provisions authorizing the extension of emergency orders by a majority vote of the governing body for a specified duration; removing provisions authorizing the Governor to
invalidate certain emergency orders; removing
provisions that prohibit the issuance of certain
emergency orders; amending s. 252.46, F.S.; removing
provisions which provide 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 provisions that
specify 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
provisions that prohibit municipalities and counties from 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 the requirement that enforcement of certain ordinances must 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 certain actions a court may take; removing provisions that require that work in certain authority rights-of-way must comply with a specified document; amending s. 350.81, F.S.; removing provisions that identify procedures which 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 provisions exempting 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.; repealing provisions which prohibit local
governments from 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 of 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; 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; amending s. 570.07, F.S.; removing provisions which preempt the regulation of fertilizer 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. 790.251, F.S.; conforming a provision to changes made by the act; 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 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) of section 125.0103, Florida Statutes, is 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.

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.

(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 telecommunications 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.
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 necessitating the need to exceed the phase-in limitations.

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) of section 166.043, Florida Statutes, is 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.
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 (6), (7), and (8) of section
166.241, Florida Statutes, are renumbered as subsections (4),
(5), and (6), respectively, and present subsections (4), (5),
and (8) of that section 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)(f) If the governing body of a municipality amends the budget pursuant to paragraph (5)(c), 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
ter 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 hospital.

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 telecommunication 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.

CODING: Words struck are deletions; words underlined are additions.
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.
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
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, 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, notice 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 exactions 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)7., 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.

(6)

(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
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:

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(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

c. 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.

(c) 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
decom 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
completed within 45 days, the authority waives any claim
regarding failure to exhaust administrative remedies in any
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.

e. 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

CODING: Words **stricken** are deletions; words *underlined* are additions.
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. s. 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
1376 damage or prior noncompliance. Fees for make-ready work,
1377 including any pole replacement, may not exceed actual costs or
1378 the amount charged to communications services providers other
1379 than wireless services providers for similar work and may not
1380 include any consultant fee or expense.
1381
1382 (g) For any applications filed before the effective date
1383 of ordinances implementing this subsection, an authority may
1384 apply current ordinances relating to placement of communications
1385 facilities in the right-of-way related to registration,
1386 permitting, insurance coverage, indemnification, force majeure,
1387 abandonment, authority liability, or authority warranties.
1388 Permit application requirements and small wireless facility
1389 placement requirements, including utility pole height limits,
1390 that conflict with this subsection must be waived by the
1391 authority. An authority may not institute, either expressly or
1392 de facto, a moratorium, zoning-in-progress, or other mechanism
1393 that would prohibit or delay the filing, receiving, or
1394 processing of registrations, applications, or issuing of permits
1395 or other approvals for the collocation of small wireless
1396 facilities or the installation, modification, or replacement of
1397 utility poles used to support the collocation of small wireless
1398 facilities.
1399
1400 (h) Except as provided in this section or specifically
1401 required by state law, an authority may not adopt or enforce any
1402 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)1. 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) and paragraphs (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.

2.3. 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.

3. The capital investment required by the government 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. 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
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
   e. 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 district.
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)(e), 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), sub-subparagraph (2)(e)1.c., 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
Section 28. Paragraph (a) of subsection (4) of section 489.117, Florida Statutes, is amended to read:

(4) 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:

(1) Counties and municipalities are authorized to issue journeyman licenses in the plumbing, pipe fitting, mechanical,
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 private motor vehicle.

(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, is repealed.

Section 39. This act shall take effect July 1, 2022.