

Amendment No. 1 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

11 Representative(s) Gay offered the following:

13 **Amendment (with title amendment)**

14 On page 39, lines 3 through 10
15 remove from the bill: all of said lines

17 and insert in lieu thereof:

18 Section 20. Section 255.60, Florida Statutes, is
19 created to read:

20 255.60 Lease of State Property for Wireless
21 Facilities.--

22 (a) Notwithstanding any other statute to the contrary,
23 every department, board, agency or commission of the state
24 which owns or manages buildings or antenna structures shall
25 encourage the placement of commercial mobile radio service
26 facilities on those structures.

27 (b) Within 90 days of a written request from a
28 commercial mobile radio service provider, a department, board,
29 agency or commission of the state shall provide an inventory
30 of all buildings and antenna structures over 40 feet in height
31 that it owns or manages.

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1 (c) If a commercial mobile radio service provider is
2 interested in attaching its wireless facilities to a structure
3 owned by the state, the provider must submit a letter of
4 interest to the agency managing the structure together with an
5 application fee of \$250. The letter must describe in
6 reasonable detail the provider's requirements for placing its
7 facilities on the structure. Within 45 days of receipt of the
8 letter, the state agency must notify the provider of the
9 site's availability and, if available, allow the provider to
10 perform on-site testing. All state owned structures are
11 hereby declared available unless the proposed facilities would
12 adversely impact the historic or environmental character of
13 the site, the structural integrity of the structure, or the
14 department's expressed desire to locate its own communications
15 facilities on the structure.

16 (d) If a commercial radio service provider desires to
17 locate its facilities on an available state structure, the
18 state agency managing the structure shall enter into a lease
19 with the provider without competitive bidding or procurement.
20 The terms of the lease shall follow the terms of a model lease
21 which the Department of Management Services must establish
22 within 120 days of the effective date of this act. The model
23 lease will include, but not be limited to, the following
24 provisions: (i) rent will be based on fair market value of
25 comparable communication facilities in the state; (ii) the
26 provider will be entitled to make reasonable modifications to
27 the structure to allow their use (including the replacement of
28 an existing pole or tower with a new structure of not more
29 than 125% of the original height); (iii) the provider will be
30 allowed reasonable space in, on or near the structure to
31 connect and house any accessory equipment; (iv) the provider

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1 will design all antenna attachments and shelters to minimize
2 any aesthetic impact; (v) the provider's use shall not
3 interfere with any current or future use of the site by the
4 state; and (vi) the duration of the lease will be 5 years and
5 grant the provider options to renew for three additional
6 5-year terms.

7 (e) Fifty percent (50%) of all revenue derived from
8 the lease of state property under this section shall be
9 credited to the agency that manages the property; the
10 remaining 50% shall be credited to the school improvement and
11 academic achievement Trust Fund. If the tower is owned by the
12 Department of Management Services, all funds shall be placed
13 in the State Agency Law Enforcement Radio System Trust Fund.

14 (f) Notwithstanding any contrary land development
15 regulations, as that term is defined in section 163.3221(7),
16 the construction and operation of wireless communication
17 equipment and facilities, including but not limited to
18 equipment and facilities for instructional television, shall
19 be authorized on any property under the ownership of any
20 School District with the School District's consent and
21 approval.

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23

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

25 And the title is amended as follows:

26 On page 3, line 30 through page 4, line 2
27 remove from the title of the bill: all of said lines

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29 and insert in lieu thereof:

30 creating s. 255.60, F.S.; requiring state
31 agencies, departments, boards or commissions to

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lease facilities for wireless facilities;