

Amendment No. \_\_\_\_ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Sanderson and Gay offered the following:

**Amendment (with title amendment)**

On page 2, between lines 7 and 8,

insert:

Section 2. Section 255.60, Florida Statutes, is created to read:

255.60 Lease of State Property for Wireless Facilities.--

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

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

Amendment No. \_\_\_\_ (for drafter's use only)

1           (3) 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, the  
14 security of a corrections facility as defined in s. 944.02,  
15 including facilities operated by private entities with which  
16 the Department of Corrections enters into contracts pursuant  
17 to s. 944.105, or the department's expressed desire to locate  
18 its own communications facilities on the structure.

19           (4) If a commercial radio service provider desires to  
20 locate its facilities on an available state structure, the  
21 state agency managing the structure shall enter into a lease  
22 with the provider without competitive bidding or procurement.  
23 The terms of the lease shall follow the terms of a model lease  
24 which the Department of Management Services must establish  
25 within 120 days of the effective date of this act. The model  
26 lease will include, but not be limited to, the following  
27 provisions:

28           (a) Rent will be based on fair market value of  
29 comparable communication facilities in the state.

30           (b) The provider will be entitled to make reasonable  
31 modifications to the structure to allow their use (including

Amendment No. \_\_\_\_ (for drafter's use only)

1 the replacement of an existing pole or tower with a new  
2 structure of not more than 125% of the original height).  
3 (c) The provider will be allowed reasonable space in,  
4 on or near the structure to connect and house any accessory  
5 equipment.  
6 (d) The provider will design all antenna attachments  
7 and shelters to minimize any aesthetic impact.  
8 (e) The provider's use shall not interfere with any  
9 current or future use of the site by the state.  
10 (f) The duration of the lease will be 5 years and  
11 grant the provider options to renew for three additional  
12 5-year terms.  
13 (5) Fifty percent (50%) of the first \$5,000,000  
14 revenue annually derived from the lease of state property  
15 under this section shall be credited to the agency that  
16 manages the property; the remaining 50% of the first  
17 \$5,000,000 revenue annually shall be credited to the school  
18 improvement and academic achievement Trust Fund; all the  
19 revenue exceeding \$5,000,000 annually shall be credited to the  
20 agency. If the tower is owned by or under the control of the  
21 Department of Management Services, all funds shall be placed  
22 in the State Agency Law Enforcement Radio System Trust Fund.  
23 (6) If any department, board, agency or commission of  
24 the state offers buildings and antenna structures that it owns  
25 or manages for the placement of commercial mobile radio  
26 services facilities through a fair and open competitive  
27 procurement process, subsections (2) through (4) shall not  
28 apply, if such bid or request for proposal is published within  
29 90 days of a written request pursuant to subsection (2), or  
30 within 90 days of the effective date of this act.  
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Amendment No. \_\_\_\_ (for drafter's use only)

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

2 And the title is amended as follows:

3       On page 1, line 3,

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5 after "events;" insert:

6       creating s. 255.60, F.S., relating to

7       procedures for locating wireless facilities on

8       state-owned buildings and structures;

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