

Bill No. CS for SB 986

Amendment No.

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator McKay moved the following amendment:		
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13	Senate Amendment (with title amendment)		
14	On page 14, between lines 4 and 5,		
15			
16	insert:		
17	Section 3. Section 255.60, Florida Statutes, is		
18	created to read:		
19	<u>255.60 Lease of State Property for Wireless</u>		
20	<u>Facilities.--</u>		
21	<u>(a) Notwithstanding any other statute to the contrary,</u>		
22	<u>every department, board, agency or commission of the state</u>		
23	<u>which owns or manages buildings or antenna structures shall</u>		
24	<u>encourage the placement of commercial mobile radio service</u>		
25	<u>facilities on those structures.</u>		
26	<u>(b) Within 90 days of a written request from a</u>		
27	<u>commercial mobile radio service provider, a department, board,</u>		
28	<u>agency or commission of the state shall provide an inventory</u>		
29	<u>of all buildings and antenna structures over 40 feet in height</u>		
30	<u>that it owns or manages in the geographic area specified in</u>		
31	<u>the request.</u>		

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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, 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 (d) 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: (i) rent will be based on fair market value of
28 comparable communication facilities in the state; (ii) the
29 provider will be entitled to make reasonable modifications to
30 the structure to allow their use (including the replacement of
31 an existing pole or tower with a new structure of not more

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1 than 125% of the original height); (iii) the provider will be
2 allowed reasonable space in, on or near the structure to
3 connect and house any accessory equipment; (iv) the provider
4 will design all antenna attachments and shelters to minimize
5 any aesthetic impact; (v) the provider's use shall not
6 interfere with any current or future use of the site by the
7 state; and (vi) the duration of the lease will be 5 years and
8 grant the provider options to renew for three additional
9 5-year terms.

10 (e) Fifty percent (50%) of the first \$5,000,000
11 revenue annually derived from the lease of state property
12 under this section shall be credited to the agency that
13 manages the property; the remaining 50% of the first
14 \$5,000,000 revenue annually shall be credited to the school
15 improvement and academic achievement Trust Fund; all the
16 revenue exceeding \$5,000,000 annually shall be credited to the
17 agency. If the tower is owned by or under the control of the
18 Department of Management Services, all funds shall be placed
19 in the State Agency Law Enforcement Radio System Trust Fund.

20 (f) If any department, board, agency or commission of
21 the state offers buildings and antenna structures that it owns
22 or manages for the placement of commercial mobile radio
23 services facilities through a fair and open competitive
24 procurement process, subsections (b) through (d) shall not
25 apply, if such bid or request for proposal is published within
26 90 days of a written request pursuant to subsection (b), or
27 within 90 days of the effective date of this act.

28
29 (Redesignate subsequent sections.)

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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 2, delete that line

4

5 and insert:

6 An act relating to environmental protection;
7 requiring state agencies, departments, boards,
8 and commissions to lease facilities for
9 wireless facilities;

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