

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 to amendment
 12 (500232):

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 14 **Senate Amendment (with title amendment)**

15 On page 20, between lines 11 and 12,

16
 17 insert:

18 Section 11. 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 in the geographic area specified in

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1 the request.

2 (c) If a commercial mobile radio service provider is
3 interested in attaching its wireless facilities to a structure
4 owned by the state, the provider must submit a letter of
5 interest to the agency managing the structure together with an
6 application fee of \$250. The letter must describe in
7 reasonable detail the provider's requirements for placing its
8 facilities on the structure. Within 45 days of receipt of the
9 letter, the state agency must notify the provider of the
10 site's availability and, if available, allow the provider to
11 perform on-site testing. All state owned structures are
12 hereby declared available unless the proposed facilities would
13 adversely impact the historic or environmental character of
14 the site, the structural integrity of the structure, the
15 security of a corrections facility as defined in s. 944.02,
16 including facilities operated by private entities with which
17 the Department of Corrections enters into contracts pursuant
18 to s. 944.105, or the department's expressed desire to locate
19 its own communications facilities on the structure.

20 (d) If a commercial radio service provider desires to
21 locate its facilities on an available state structure, the
22 state agency managing the structure shall enter into a lease
23 with the provider without competitive bidding or procurement.
24 The terms of the lease shall follow the terms of a model lease
25 which the Department of Management Services must establish
26 within 120 days of the effective date of this act. The model
27 lease will include, but not be limited to, the following
28 provisions: (i) rent will be based on fair market value of
29 comparable communication facilities in the state; (ii) the
30 provider will be entitled to make reasonable modifications to
31 the structure to allow their use (including the replacement of

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1 an existing pole or tower with a new structure of not more
2 than 125% of the original height); (iii) the provider will be
3 allowed reasonable space in, on or near the structure to
4 connect and house any accessory equipment; (iv) the provider
5 will design all antenna attachments and shelters to minimize
6 any aesthetic impact; (v) the provider's use shall not
7 interfere with any current or future use of the site by the
8 state; and (vi) the duration of the lease will be 5 years and
9 grant the provider options to renew for three additional
10 5-year terms.

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

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

29
30 (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 20, line 22, after the semicolon

4

5 insert:

6 creating s. 255.60, F.S.; requiring state
7 agencies, departments, boards, and commissions
8 to lease facilities for wireless facilities;

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