

Bill No. CS for SB 986

Amendment No. \_\_\_\_

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator McKay moved the following substitute for amendment (573246):

**Senate Amendment (with title amendment)**

On page 20, between lines 11 and 12,

insert:

Section 3. Section 255.60, Florida Statutes, is created to read:

255.60 Lease of State Property for Wireless Facilities.--

(a) 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.

(b) 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

Bill No. CS for SB 986

Amendment No. \_\_\_\_

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 safety of the public or law enforcement,  
14 the historic or environmental character of the site, the  
15 structural integrity of the structure, the security of a  
16 corrections facility as defined in s. 944.02, including  
17 facilities operated by private entities with which the  
18 Department of Corrections enters into contracts pursuant to s.  
19 944.105, or the department's expressed desire to locate its  
20 own communications facilities on the structure.

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

Bill No. CS for SB 986

Amendment No. \_\_\_\_

1 the structure to allow their use (including the replacement of  
2 an existing pole or tower with a new structure of not more  
3 than 125% of the original height provided that the  
4 notification requirements of 14 CFR Part 77 and the airspace  
5 requirements of 333.025, and 333.03(1) are met ); (iii) the  
6 provider will be allowed reasonable space in, on or near the  
7 structure to connect and house any accessory equipment; (iv)  
8 the provider will design all antenna attachments and shelters  
9 to minimize any aesthetic impact; (v) the provider's use shall  
10 not interfere with any current or future use of the site by  
11 the state; and (vi) the duration of the lease will be 5 years  
12 and grant the provider options to renew for three additional  
13 5-year terms.

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

24 (f) If any department, board, agency or commission of  
25 the state offers buildings and antenna structures that it owns  
26 or manages for the placement of commercial mobile radio  
27 services facilities through a fair and open competitive  
28 procurement process, subsections (b) through (d) shall not  
29 apply, if such bid or request for proposal is published within  
30 90 days of a written request pursuant to subsection (b), or  
31 within 90 days of the effective date of this act.

Bill No. CS for SB 986

Amendment No. \_\_\_\_

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(Redesignate subsequent sections.)

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

And the title is amended as follows:

On page 20, line 22, after the semicolon

insert:

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