

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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Representative Mayfield offered the following:

**Amendment**

Remove line(s) 336-465, and insert:

(11) FACILITATING E911 SERVICE

IMPLEMENTATION.--Notwithstanding any other law or local ordinance to the contrary:

(a) Colocation among wireless telephone service providers is encouraged by the state. To further facilitate agreements among providers for colocation of their facilities, any antennae and related equipment to service the antennae that is being collocated on an existing above-ground structure is not subject to land development regulation pursuant to s. 163.3202, provided the height of the existing structure is not increased. However, construction of the antennae and related equipment is subject to local building regulations and any existing permits or agreements for such property, buildings, or structures. Nothing

Amendment No. (for drafter's use only)

28 herein shall relieve the permitholder for or owner of the  
29 existing structure of compliance with any applicable condition  
30 or requirement of a permit, agreement, or land development  
31 regulation, including any aesthetic requirements, or law.

32 (b) Local governments shall not require providers to  
33 provide evidence of a wireless communications facility's  
34 compliance with federal regulations. However, local governments  
35 shall receive evidence of proper Federal Communications  
36 Commission licensure from a provider and may request the Federal  
37 Communications Commission to provide information as to a  
38 provider's compliance with federal regulations, as authorized by  
39 federal law.

40 (c)1. A local government shall grant or deny a properly  
41 completed application for a permit, including permits under  
42 paragraph (a), for the colocation of a wireless communications  
43 facility on property, buildings, or structures within the local  
44 government's jurisdiction within 45 business days after the date  
45 the properly completed application is initially submitted in  
46 accordance with the applicable local government application  
47 procedures, provided that such permit complies with applicable  
48 federal regulations and applicable local zoning or land  
49 development regulations, including any aesthetic requirements.  
50 Local building regulations shall apply.

51 2. A local government shall grant or deny a properly  
52 completed application for a permit for the siting of a new  
53 wireless tower or antenna on property, buildings, or structures  
54 within the local government's jurisdiction within 90 business  
55 days after the date the properly completed application is  
56 initially submitted in accordance with the applicable local

765509

Amendment No. (for drafter's use only)

57 government application procedures, provided that such permit  
58 complies with applicable federal regulations and applicable  
59 local zoning or land development regulations, including any  
60 aesthetic requirements. Local building regulations shall apply.

61 3.a. The local government shall notify the permit  
62 applicant within 20 business days after the date the application  
63 is submitted as to whether the application is, for  
64 administrative purposes only, properly completed and has been  
65 properly submitted. However, such determination shall not be  
66 deemed as an approval of the application. Such notification  
67 shall indicate with specificity any deficiencies which, if  
68 cured, shall make the application properly completed.

69 b. If the local government fails to grant or deny a  
70 properly completed application for a permit which has been  
71 properly submitted within the timeframes set forth in this  
72 paragraph, the permit shall be deemed automatically approved and  
73 the provider may proceed with placement of such facilities  
74 without interference or penalty. The timeframes specified in  
75 subparagraphs 1. and 2. shall be extended only to the extent  
76 that the permit has not been granted or denied because the local  
77 government's procedures generally applicable to all permits,  
78 require action by the governing body and such action has not  
79 taken place within the timeframes specified in subparagraphs 1.  
80 and 2. Under such circumstances, the local government must act  
81 to either grant or deny the permit at its next regularly  
82 scheduled meeting or, otherwise, the permit shall be deemed to  
83 be automatically approved.

84 c. To be effective, a waiver of the timeframes set forth  
85 herein must be voluntarily agreed to by the applicant and the

765509

Amendment No. (for drafter's use only)

86 local government. A local government may request, but not  
87 require, a waiver of the timeframes by an entity seeking a  
88 permit, except that, with respect to a specific permit, a one-  
89 time waiver may be required in the case of a declared local,  
90 state, or federal emergency that directly affects the  
91 administration of all permitting activities of the local  
92 government.

93 (d) Any additional wireless communications facilities,  
94 such as communication cables, adjacent accessory structures, or  
95 adjacent accessory equipment used in the provision of cellular,  
96 enhanced specialized mobile radio, or personal communications  
97 services, required within the existing secured equipment  
98 compound within the existing site shall be deemed a permitted  
99 use or activity. Local building and land development  
100 regulations, including any aesthetic requirements, shall apply.

101 (e) Any other provision of law to the contrary  
102 notwithstanding, the Department of Management Services shall  
103 negotiate, in the name of the state, leases for wireless  
104 communications facilities that provide access to state  
105 government-owned property not acquired for transportation  
106 purposes, and the Department of Transportation shall negotiate,  
107 in the name of the state, leases for wireless communications  
108 facilities that provide access to property acquired for state  
109 rights-of-way. On property acquired for transportation purposes,  
110 leases shall be granted in accordance with s. 337.251. On other  
111 state government-owned property, leases shall be granted on a  
112 space available, first-come, first-served basis. Payments  
113 required by state government under a lease must be reasonable  
114 and must reflect the market rate for the use of the state

765509

Amendment No. (for drafter's use only)

115 government-owned property. The Department of Management Services  
116 and the Department of Transportation are authorized to adopt  
117 rules for the terms and conditions and granting of any such  
118 leases.

119 (f) Any wireless telephone service provider may report to  
120 the board no later than September 1, 2003, the specific  
121 locations or general areas within a county or municipality where  
122 the provider has experienced unreasonable delay to locate  
123 wireless telecommunications facilities necessary to provide the  
124 needed coverage for compliance with federal Phase II E911  
125 requirements using its own network. The provider shall also  
126 provide this information to the specifically identified county  
127 or municipality no later than September 1, 2003. Unless the  
128 board receives no report that unreasonable delays have occurred,  
129 the board shall, no later than September 30, 2003, establish a  
130 subcommittee responsible for developing a balanced approach  
131 between the ability of providers to locate wireless facilities  
132 necessary to comply with federal Phase II E911 requirements  
133 using the carrier's own network and the desire of counties and  
134 municipalities to zone and regulate land uses to achieve public  
135 welfare goals. If a subcommittee is established, it shall  
136 include representatives from the Florida Telecommunications  
137 Industry Association, the Florida Association of Counties, and  
138 the Florida League of Cities. The subcommittee shall be charged  
139 with developing recommendations for the board and any  
140 specifically identified municipality or county to consider  
141 regarding actions to be taken for compliance for federal Phase  
142 II E911 requirements. In the annual report due to the Governor  
143 and the Legislature by February 28, 2004, the board shall

765509

Amendment No. (for drafter's use only)

144 include any recommendations developed by the subcommittee to  
145 address compliance with federal Phase II E911 requirements.