

By Senator Bennett

21-1349B-04

1 A bill to be entitled
2 An act relating to the wireless emergency
3 telephone system; amending s. 365.172, F.S.;
4 adding definitions relating to wireless
5 telephone communications; providing legislative
6 intent regarding the emergency wireless
7 telephone system; providing standards for local
8 governments to follow when regulating the
9 placement, construction, or modification of a
10 wireless communications facility; directing
11 local governments to approve properly completed
12 applications within specified time periods;
13 providing procedures for a provider of wireless
14 communications services to submit an
15 application for local approval; directing local
16 governments to notify a provider of the
17 deficiencies in an application; directing local
18 governments to notify a provider whether the
19 resubmission of information properly completes
20 the application; providing that any moratorium
21 affecting a wireless communications facility
22 must be adopted as if it were a zoning
23 ordinance and may continue for no longer than 6
24 months after the moratorium's adoption;
25 providing for a limited review by a local
26 government of an accessory wireless
27 communications facility; prohibiting local
28 governments from imposing certain restrictions
29 on wireless communications facilities;
30 providing that a local government may not
31 require a wireless communications provider to

1 remove a wireless communications facility
2 unless the facility causes a specific adverse
3 impact on the public health, safety, or welfare
4 of the locality; requiring a local government
5 to amend its ordinance in order to comply with
6 this act by a specified date; providing that a
7 person who is adversely affected by a decision
8 of local government relating to a wireless
9 communications facility may bring an action
10 within a specified period; providing for the
11 computation of the time period; providing that
12 a person who is adversely affected by a
13 decision of a local government relating to a
14 wireless communications facility may bring an
15 action at any time if the person is seeking
16 only equitable relief to compel a local
17 government to comply with the procedures of the
18 act; providing an effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:

21
22 Section 1. Subsections (3) and (11) of section
23 365.172, Florida Statutes, are amended to read:

24 365.172 Wireless emergency telephone number "E911."--

25 (3) DEFINITIONS.--As used in this section and ss.
26 365.173 and 365.174, the term:

27 (a) "Active prepaid wireless telephone" means a
28 prepaid wireless telephone that has been used by the customer
29 during the month to complete a telephone call for which the
30 customer's card or balance was decremented.

31

1 (b) "Administrative review" means the nondiscretionary
2 review conducted by local governmental staff for compliance
3 with local government ordinances, but does not include a
4 public hearing or review of public input.

5 ~~(c)~~~~(b)~~ "Answering point" means the public safety
6 agency that receives incoming 911 calls and dispatches
7 appropriate public safety agencies to respond to the ~~such~~
8 calls.

9 ~~(d)~~~~(c)~~ "Automatic location identification" means the
10 capability of the E911 service which enables the automatic
11 display of information that defines the approximate geographic
12 location of the wireless telephone used to place a 911 call.

13 ~~(e)~~~~(d)~~ "Automatic number identification" means the
14 capability of the E911 service which enables the automatic
15 display of the 10-digit service number used to place a 911
16 call.

17 ~~(f)~~~~(e)~~ "Board" means the board of directors of the
18 Wireless 911 Board.

19 (g) "Building-permit review" means a review for
20 compliance with building construction standards adopted by the
21 local government under chapter 553 and does not include a
22 review for compliance with land development regulations.

23 (h) "Collocation" means the situation when more than
24 one wireless provider uses an existing structure to locate
25 antennas. The term includes the ground, platform, or roof
26 installation of equipment enclosures, cabinets, or buildings,
27 and cables, brackets, and other equipment associated with the
28 location and operation of the antennas.

29 ~~(i)~~~~(f)~~ "Office" means the State Technology Office.

30 ~~(j)~~~~(g)~~ "E911" is the designation for a wireless
31 enhanced 911 system or wireless enhanced 911 service that is

1 an emergency telephone system or service that provides a
2 subscriber with wireless 911 service and, in addition, directs
3 911 calls to appropriate public safety answering points by
4 selective routing based on the geographical location from
5 which the call originated, or as otherwise provided in the
6 state plan under s. 365.171, and that provides for automatic
7 number identification and automatic location-identification
8 features in accordance with the requirements of the order.

9 (k) "Existing structure" means a structure that exists
10 at the time an application for permission to place antennas on
11 a structure is filed with a local government. The term
12 includes any structure that can support the attachment of
13 antennas, including, but not limited to, towers, buildings,
14 utility structures, light poles, water towers, clock towers,
15 bell towers, and steeples.

16 (l)(h) "Fee" means the E911 fee imposed under
17 subsection (8).

18 (m)(i) "Fund" means the Wireless Emergency Telephone
19 System Fund established in s. 365.173 and maintained under
20 this section for the purpose of recovering the costs
21 associated with providing 911 service or E911 service,
22 including the costs of implementing the order.

23 (n) "Land-development regulation" means any ordinance
24 enacted by a local governing body for the regulation of any
25 aspect of development, including an ordinance governing
26 zoning, subdivisions, building construction, landscaping, tree
27 protection, or signs, or any other ordinance concerning any
28 aspect of the development of land. The term does not include
29 any building-construction standard adopted under and in
30 compliance with chapter 553.

31

1 (o)~~(j)~~ "Local exchange carrier" means a "competitive
2 local exchange telecommunications company" or a "local
3 exchange telecommunications company" as defined in s. 364.02.

4 (p)~~(k)~~ "Local government" means any municipality,
5 county, or political subdivision or agency of a municipality,
6 county, or political subdivision.

7 (q)~~(i)~~ "Mobile telephone number" or "MTN" means the
8 telephone number assigned to a wireless telephone at the time
9 of initial activation.

10 (r)~~(m)~~ "Order" means:

11 1. The following orders and rules of the Federal
12 Communications Commission issued in FCC Docket No. 94-102:

13 a. Order adopted on June 12, 1996, with an effective
14 date of October 1, 1996, the amendments to s. 20.03 and the
15 creation of s. 20.18 of Title 47 of the Code of Federal
16 Regulations adopted by the Federal Communications Commission
17 pursuant to the ~~such~~ order.

18 b. Memorandum and Order No. FCC 97-402 adopted on
19 December 23, 1997.

20 c. Order No. FCC DA 98-2323 adopted on November 13,
21 1998.

22 d. Order No. FCC 98-345 adopted December 31, 1998.

23 2. Orders and rules subsequently adopted by the
24 Federal Communications Commission relating to the provision of
25 wireless 911 services.

26 (s)~~(n)~~ "Provider" means a person or entity who
27 provides service and either:

28 1. Is subject to the requirements of the order; or

29 2. Elects to provide wireless 911 service or E911
30 service in this state.

31

1 (t)~~(o)~~ "Prepaid wireless telephone service" means
2 wireless telephone service that is activated in advance by
3 payment for a finite dollar amount of service or for a finite
4 set of minutes that terminate either upon use by a customer
5 and delivery by the wireless provider of an agreed-upon amount
6 of service corresponding to the total dollar amount paid in
7 advance or within a certain period of time following the
8 initial purchase or activation, unless additional payments are
9 made.

10 (u)~~(p)~~ "Public agency" means the state and any
11 municipality, county, municipal corporation, or other
12 governmental entity, public district, or public authority
13 located in whole or in part within this state which provides,
14 or has authority to provide, firefighting, law enforcement,
15 ambulance, medical, or other emergency services.

16 (v)~~(q)~~ "Public safety agency" means a functional
17 division of a public agency which provides firefighting, law
18 enforcement, medical, or other emergency services.

19 (w)~~(r)~~ "Rural county" means any county that has a
20 population of fewer than 75,000.

21 (x)~~(s)~~ "Service" means "commercial mobile radio
22 service" as provided under ss. 3(27) and 332(d) of the Federal
23 Telecommunications Act of 1996, 47 U.S.C., ss. 151 et seq.,
24 and the Omnibus Budget Reconciliation Act of 1993, Pub. L. No.
25 103-66, August 10, 1993, 107 Stat. 312. The term "service"
26 includes the term "wireless" and service provided by any
27 wireless real-time two-way wire communication device,
28 including radio-telephone communications used in cellular
29 telephone service; personal communications service; or the
30 functional or competitive equivalent of a radio-telephone
31 communications line used in cellular telephone service, a

1 personal communications service, or a network radio access
2 line. The term does not include wireless providers that offer
3 mainly dispatch service in a more localized, noncellular
4 configuration; providers offering only data, one-way, or
5 stored-voice services on an interconnected basis; providers of
6 air-to-ground services; or public coast stations.

7 (y)~~(t)~~ "Service number" means the unique 10-digit
8 wireless telephone number assigned to a service subscriber.

9 (z)~~(u)~~ "Sufficient positive balance" means a dollar
10 amount greater than or equal to the monthly wireless surcharge
11 amount.

12 (aa) "Tower" means any structure designed primarily to
13 support a wireless antenna.

14 (bb) "Wireless communications facility" means any
15 equipment or structure used to provide service, and includes,
16 but is not limited to, antennas, towers, equipment enclosures,
17 cabling, antenna brackets, and other equipment.

18 (cc) "Wireless communications site" means the area on
19 the roof, structure, or ground which is designed, intended to
20 be used, or is used for the location of a wireless
21 communications facility, all related facilities and areas, and
22 any fencing and landscaping provided in association with the
23 wireless communications facility.

24 (dd)~~(v)~~ "Wireless 911 system" or "wireless 911
25 service" means an emergency telephone system or service that
26 provides a subscriber with the ability to reach an answering
27 point by dialing the digits "911." A wireless 911 system is
28 complementary to a wired 911 system as provided for in s.
29 365.171.

30 (11) FACILITATING E911 SERVICE IMPLEMENTATION.--The
31 Legislature finds that it is in the best interest of the

1 residents of this state to have efficient and reliable
2 wireless emergency telephone (E911) systems operating in this
3 state. Because the Federal Government and this state have
4 chosen to operate the wireless E911 systems through the
5 private commercial wireless communications systems, the
6 operation of a high-quality wireless E911 service is dependent
7 upon an equally efficient and reliable wireless non-E911
8 system. It is also in the best interest of this state to
9 coordinate the wireless systems with local government's zoning
10 and land use authority in order to protect the public health,
11 safety, and welfare. Therefore, in order to balance the public
12 need for reliable wireless systems with the governmental
13 zoning and land-development regulations and notwithstanding
14 any other law or local ordinance to the contrary, the
15 following minimum standards shall apply to a local
16 government's regulation of the placement, construction, or
17 modification of a wireless communications facility:

18 (a)1. To reduce the proliferation of new towers,
19 collocation ~~Colocation among wireless telephone service~~
20 ~~providers~~ is encouraged by the state. An application to place
21 an antenna ~~To further facilitate agreements among providers~~
22 ~~for collocation of their facilities, any antennae and related~~
23 ~~equipment to service the antennae~~ that is being collocated
24 colocated on an existing above-ground structure that does not
25 increase the height of the existing structure or any existing
26 antenna, whichever is higher, and any placement, construction,
27 operation, and maintenance of the related equipment to serve
28 the antenna is not subject to land development regulation and
29 shall only require building-permit review pursuant to s.
30 ~~163.3202, provided the height of the existing structure is not~~
31 ~~increased. However, construction of the antennae and related~~

1 ~~equipment is subject to local building regulations and any~~
2 ~~existing permits or agreements for such property, buildings,~~
3 ~~or structures. This section does not Nothing herein shall~~
4 ~~relieve the permitholder for or owner of the existing~~
5 ~~structure from of compliance with any applicable previously~~
6 ~~approved and existing condition or requirement of a permit or,~~
7 ~~agreement, or land development regulation, including any~~
8 ~~previously approved aesthetic requirements imposed by~~
9 ~~administrative order, resolution, or ordinance for development~~
10 ~~of the specific wireless communications site which is not~~
11 ~~inconsistent with this subsection, or law.~~

12 2. To further reduce the proliferation of new towers,
13 the state encourages wireless providers to place antennas on
14 existing structures. In cases when placement of an antenna is
15 not covered by subparagraph 1., an application to place
16 antenna on any existing structure, other than a single-family
17 dwelling, and its related support equipment shall be subject
18 only to an administrative review and building-permit review.

19 3. An existing tower, including a nonconforming tower,
20 may be increased in height in order to permit collocation. The
21 height may be increased by extending the existing tower or by
22 replacing it. The local government may limit the height
23 increase to no more than the reasonable amount necessary to
24 accommodate the collocation. The height extension or
25 replacement shall be subject only to an administrative review
26 and to a building-permit review.

27 (b) A local government may use its land use and zoning
28 regulatory powers over the placement, construction, and
29 modification of a wireless communications facility, but only
30 to mitigate an identified adverse effect caused by the
31 placement of a proposed wireless communications facility. The

1 adverse effect must directly impact the public health, safety,
2 or welfare and be balanced against the public benefit of a
3 reliable E911 system.

4 1. A local government may not review or consider a
5 wireless provider's business need for a specific location for
6 a wireless communications site or the need for wireless
7 service to be provided from a particular site. A local
8 government may not evaluate the wireless provider's service
9 quality or the network design of the wireless service. Local
10 government is limited when evaluating a wireless provider's
11 application for placement of a wireless communications
12 facility to issues concerning land use and zoning.

13 2. Requirements for setback or distance separation
14 shall apply only to towers. The setback or separation required
15 of a tower may not exceed the minimum distance necessary to
16 satisfy the specific health, safety, or welfare concern that
17 is directly protected by the setback or distance separation. A
18 setback or distance separation imposed upon wireless
19 communications towers may not be greater than that imposed
20 upon similar structures such as electrical distribution and
21 transmission structures, utility poles, or light poles.

22 3. Any height limitation placed on a wireless
23 communications facility must have a rational nexus between the
24 number of wireless communications sites determined necessary
25 to serve the locality's reasonably projected population and
26 consumer use. A local government may not restrict the height
27 of a wireless communications facility so that the height
28 restriction will likely result in an unreasonable increase in
29 the total number of antenna sites over what is necessary to
30 provide wireless services to the consumers projected to use

31

1 the service. Local governments shall encourage towers designed
2 for collocation.

3 4. If aesthetic protections or protections against
4 visual impacts are used to justify regulating the wireless
5 communications facility's placement, construction, or
6 modification, the regulation adopted and applied must be
7 directly related to the aesthetic or visual impact protection
8 and must be the minimum necessary to provide the protection.

9 5. A local government's regulations as written and
10 applied must provide a reasonable opportunity for placing,
11 constructing, and modifying wireless communications facilities
12 in all parts of a local government's jurisdiction, unless it
13 can be specifically demonstrated that a prohibition of all
14 types of wireless communications facilities in a specific
15 location or area is the only manner in which to protect the
16 public health, safety, and welfare of that area.

17 6. A local government may not impose a fee, surety, or
18 insurance requirement on a wireless provider when applying to
19 place, construct, or modify a wireless communications facility
20 if the fee, surety, or insurance requirement is not also
21 imposed on applicants seeking similar types of zoning, land
22 use, or building-permit review. The local government may not
23 recover its costs from wireless providers incurred in
24 preparing or adopting zoning or land-development regulations
25 or ordinances regulating a wireless communications facility.
26 Fees for review of zoning or land use applications by
27 consultants or experts who are routinely engaged to review
28 general zoning and land use matters on behalf of the local
29 government may be recovered, but only if the recovery is
30 routinely sought from all applicants seeking zoning or
31 land-development approvals, and any fees must be reasonable.

1 Review of applications for wireless communications facilities
2 by local government shall be restricted only to what is
3 necessary for land use review of the application.

4 ~~(c)(b)~~ Local governments may ~~shall~~ not require
5 wireless providers to provide evidence of a wireless
6 communications facility's compliance with federal regulations.
7 However, local governments may request ~~shall receive~~ evidence
8 of proper Federal Communications Commission licensure or other
9 evidence of FCC authorized spectrum use from a wireless
10 provider and may request the Federal Communications Commission
11 to provide information as to a wireless provider's compliance
12 with federal regulations, as authorized by federal law.

13 ~~(d)(c)~~1. A local government shall grant or deny each ~~a~~
14 properly completed application for local government approval ~~a~~
15 ~~permit, including permits under paragraph (a), for the~~
16 placement ~~colocation~~ of antennas and any related equipment ~~a~~
17 ~~wireless communications facility on property, an approved~~
18 tower buildings, or an existing structure ~~structures~~ within
19 the local government's jurisdiction within 45 business days
20 after the date the ~~properly completed~~ application is
21 determined to be properly completed ~~initially submitted~~ in
22 accordance with this section ~~the applicable local government~~
23 ~~application procedures, provided that such permit complies~~
24 ~~with applicable federal regulations and applicable local~~
25 ~~zoning or land development regulations, including any~~
26 ~~aesthetic requirements. Local building regulations shall~~
27 ~~apply.~~

28 2. A local government must grant or deny a properly
29 completed application to modify an existing tower to allow
30 placing an antenna and related equipment within 45 business
31

1 days after the date the application is determined to be
2 properly completed in accordance with this section.

3 ~~3.2.~~ A local government shall grant or deny each a
4 properly completed application for any applicable a permit
5 required for the siting of a new wireless tower ~~or antenna on~~
6 ~~property, buildings, or structures within the local~~
7 ~~government's jurisdiction~~ within 90 business days after the
8 date the ~~properly completed~~ application is determined to be
9 properly completed initially submitted in accordance with this
10 section ~~the applicable local government application~~
11 ~~procedures, provided that such permit complies with applicable~~
12 ~~federal regulations and applicable local zoning or land~~
13 ~~development regulations, including any aesthetic requirements.~~
14 ~~Local building regulations shall apply.~~

15 ~~4.3-a.~~ An application is deemed submitted or
16 resubmitted on the date the application is filed with the
17 local government. The local government shall notify the permit
18 applicant within 10 ~~20~~ business days after the date the
19 application is initially submitted as to whether the
20 application is, for administrative purposes only, properly
21 completed and has been properly submitted. However, the ~~such~~
22 determination shall not be deemed as an approval of the
23 application. If the application is not completed in compliance
24 with the local government's application procedures, the ~~Such~~
25 notification must ~~shall~~ indicate with specificity any
26 deficiencies that ~~which~~, if cured, ~~shall~~ make the application
27 properly completed. Upon resubmission of information to cure
28 the stated deficiencies, the local government shall notify the
29 applicant within 10 days after the additional information is
30 submitted whether the application is properly completed or if
31 there are any remaining deficiencies that must be cured. Any

1 deficiencies not specified by the local government in the
2 initial notice are waived.

3 b. If the local government fails to grant or deny a
4 properly completed application for a permit ~~which has been~~
5 ~~properly submitted~~ within the timeframes set forth in this
6 subsection, the local government application paragraph, the
7 permit shall be deemed automatically approved and the
8 applicant provider may proceed with placement of such
9 facilities without interference or penalty. The timeframes
10 specified in subparagraph 3.~~subparagraphs 1. and 2.~~ shall be
11 extended only to the extent that the permit has not been
12 granted or denied because the local government's procedures
13 generally applicable to all permits, require action by the
14 governing body and such action has not taken place within the
15 timeframes specified in subparagraph 3.~~subparagraphs 1. and~~
16 ~~2.~~ Under such circumstances, the local government must act to
17 either grant or deny the permit at its next regularly
18 scheduled meeting or, otherwise, the permit shall be deemed to
19 be automatically approved.

20 c. To be effective, a waiver of the timeframes set
21 forth in this paragraph herein must be voluntarily agreed to
22 by the applicant and the local government. A local government
23 may request, but not require, a waiver of the timeframes by an
24 entity seeking a permit, except that, with respect to a
25 specific permit, a one-time waiver may be required in the case
26 of a declared local, state, or federal emergency that directly
27 affects the administration of all permitting activities of the
28 local government.

29 (e) Any moratorium, or action or inaction by a local
30 government which has the effect of a moratorium, on the
31 placement, construction, or modification of a wireless

1 communications facility or a moratorium on the review of
2 applications relating to a wireless communications facility
3 must:

4 1. Be adopted in the same manner as a zoning
5 ordinance;

6 2. Be shown to be necessary because of an identified
7 emergency or a sudden significant change in circumstances; and

8 3. Not remain in effect for more than 6 months after
9 adoption or creation of the moratorium.

10 (f)(d) Any accessory ~~additional~~ wireless
11 communications facilities, such as communication cables,
12 ~~adjacent~~ accessory structures, ~~or adjacent~~ accessory
13 equipment, and the wireless communications site in which the
14 accessory wireless communications facility is to be located
15 which are not covered by paragraph (a) used in the provision
16 of cellular, enhanced specialized mobile radio, or personal
17 communications services, required within the existing secured
18 equipment compound within the existing site shall be deemed an
19 a permitted use or activity requiring no more than
20 administrative review and building-permit review. A
21 land-development regulation, existing permit condition, or
22 agreement may not subject an accessory wireless communications
23 facility to greater restrictions or requirements or greater
24 procedural or review processes than other accessory structures
25 in the same zoning district ~~Local building and land~~
26 ~~development regulations, including any aesthetic requirements,~~
27 shall apply.

28 (g) A local government may not impose square footage
29 or height limitations on an accessory wireless communications
30 facility in excess of those required for principal buildings
31 in the same zoning district. This paragraph supersedes any

1 existing limitation imposed on a wireless communications
2 facility by agreement, ordinance, resolution, or land
3 development code.

4 (h) A local government may only regulate modification
5 of an existing wireless communications facility if:

6 1. The regulation mitigates an identified adverse
7 effect caused by the modification; and

8 2. The regulation affects only a materially
9 significant change that noticeably alters the design or
10 appearance of the wireless communications facility.

11
12 The replacement of visible equipment or structures with
13 equipment or structures of the same size, type, and appearance
14 and the replacement of equipment that is not visible from
15 outside the wireless communications site are not modifications
16 and are subject only to building-permit review.

17 (i) A local government may not require a wireless
18 provider to remove a conforming or nonconforming wireless
19 communications facility within a stated period of time unless
20 a specific adverse impact to the public health, safety, or
21 welfare of the locality is caused by the wireless
22 communications facility. Before a local government may order
23 the removal of the wireless communications facility, the
24 wireless provider or owner of the facility shall have the
25 right to mitigate the condition that causes the adverse impact
26 and the local government must give the provider or owner a
27 reasonable time in which to mitigate the condition.

28 (j) If a local government regulation or procedure does
29 not conform to the requirements of this section, the
30 regulation or procedure must be amended to do so by January 1,
31 2005.

1 (k)~~(e)~~ Any other ~~provision of~~ law to the contrary
2 notwithstanding, the Department of Management Services shall
3 negotiate, in the name of the state, leases for wireless
4 communications facilities that provide access to state
5 government-owned property not acquired for transportation
6 purposes, and the Department of Transportation shall
7 negotiate, in the name of the state, leases for wireless
8 communications facilities that provide access to property
9 acquired for state rights-of-way. On property acquired for
10 transportation purposes, leases shall be granted in accordance
11 with s. 337.251. On other state government-owned property,
12 leases shall be granted on a space available, first-come,
13 first-served basis. Payments required by state government
14 under a lease must be reasonable and must reflect the market
15 rate for the use of the state government-owned property. The
16 Department of Management Services and the Department of
17 Transportation are authorized to adopt rules for the terms and
18 conditions and granting of any such leases.

19 (1)1. Any person adversely affected by any action or
20 failure to act by a local government which is inconsistent
21 with this subsection may bring an action in a court of
22 competent jurisdiction within 30 days after the action or the
23 failure to act. The court shall consider the matter on an
24 expedited basis.

25 2. Any decision by a local government relating to an
26 application for a wireless communications facility is deemed
27 final and constitutes an exhaustion of administrative
28 remedies.

29 3. For purposes of computing the 30-day period for
30 bringing an action, the date of the local government action or
31 failure to act is the date the local government, or an agent

1 acting on behalf of the local government, issues a written
2 decision in response to an application for approval for the
3 siting of a wireless communications facility.

4 4. A person adversely affected by any action or
5 failure to act by a local government which is inconsistent
6 with this subsection may bring an action in equity in a court
7 of competent jurisdiction at any time to compel the local
8 government to comply with the procedures set forth in this
9 subsection. Relief sought by the person under this paragraph
10 is limited solely to equitable remedies.

11 5. Notwithstanding subparagraph 4., this paragraph
12 does not adversely affect a person's right to file a petition
13 for a writ of certiorari to review a quasi-judicial action of
14 the local government.

15 ~~(f) Any wireless telephone service provider may report~~
16 ~~to the board no later than September 1, 2003, the specific~~
17 ~~locations or general areas within a county or municipality~~
18 ~~where the provider has experienced unreasonable delay to~~
19 ~~locate wireless telecommunications facilities necessary to~~
20 ~~provide the needed coverage for compliance with federal Phase~~
21 ~~II E911 requirements using its own network. The provider shall~~
22 ~~also provide this information to the specifically identified~~
23 ~~county or municipality no later than September 1, 2003. Unless~~
24 ~~the board receives no report that unreasonable delays have~~
25 ~~occurred, the board shall, no later than September 30, 2003,~~
26 ~~establish a subcommittee responsible for developing a balanced~~
27 ~~approach between the ability of providers to locate wireless~~
28 ~~facilities necessary to comply with federal Phase II E911~~
29 ~~requirements using the carrier's own network and the desire of~~
30 ~~counties and municipalities to zone and regulate land uses to~~
31 ~~achieve public welfare goals. If a subcommittee is~~

1 ~~established, it shall include representatives from the Florida~~
2 ~~Telecommunications Industry Association, the Florida~~
3 ~~Association of Counties, and the Florida League of Cities. The~~
4 ~~subcommittee shall be charged with developing recommendations~~
5 ~~for the board and any specifically identified municipality or~~
6 ~~county to consider regarding actions to be taken for~~
7 ~~compliance for federal Phase II E911 requirements. In the~~
8 ~~annual report due to the Governor and the Legislature by~~
9 ~~February 28, 2004, the board shall include any recommendations~~
10 ~~developed by the subcommittee to address compliance with~~
11 ~~federal Phase II E911 requirements.~~

12 Section 2. This act shall take effect July 1, 2004.

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14 *****

15 SENATE SUMMARY

16 Provides standards for local governments to follow when
17 regulating the placement, construction, or modification
18 of a wireless communications facility. Directs local
19 governments to approve properly completed applications
20 within specified time periods. Provides procedures when a
21 provider of wireless communications services submits an
22 application for local approval. Provides that any
23 moratorium affecting a wireless communications facility
24 must be adopted as if it were a zoning ordinance and may
25 continue for no longer than 6 months after the
26 moratorium's adoption. Directs local governments not to
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28 facilities. Provides that local government may not
29 require a wireless communications provider to remove a
30 wireless communications facility unless the facility
31 causes a specific adverse impact on the public health,
safety, or welfare of the locality. Provides that a
person who is adversely affected by a decision of local
government relating to a wireless communications facility
may bring an action in a court of competent jurisdiction.
(See bill for details.)