

By the Committee on Innovation, Industry, and Technology; and
Senator Hutson

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1 A bill to be entitled
2 An act relating to communications services; amending
3 s. 202.12, F.S.; reducing the rates of certain
4 communications services taxes; amending s. 202.20,
5 F.S.; conforming a cross-reference; amending s.
6 337.401, F.S.; revising legislative intent; specifying
7 limitations and prohibitions on municipalities and
8 counties relating to registrations and renewals of
9 communications services providers; authorizing
10 municipalities and counties to require certain
11 information as part of a permit application;
12 prohibiting municipalities and counties from requiring
13 a payment of fees, costs, or charges for provider
14 registration or renewal; prohibiting municipalities
15 and counties from adopting or enforcing certain
16 ordinances, regulations, or requirements; specifying
17 limitations on municipal and county authority to
18 regulate and manage municipal and county roads or
19 rights-of-way; prohibiting certain municipalities and
20 counties from electing to impose permit fees;
21 providing retroactive applicability; authorizing
22 certain municipalities and counties to continue to
23 require and collect such fees; deleting obsolete
24 provisions; specifying activities for which permit
25 fees may not be imposed; deleting certain provisions
26 relating to municipality, charter county, and
27 noncharter county elections to impose, or not to
28 impose, permit fees; requiring that enforcement of
29 certain ordinances must be suspended until certain

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30 conditions are met; revising legislative intent
31 relating to the imposition of certain fees, costs, and
32 exactions on providers; specifying a condition for
33 certain in-kind compensation; specifying prohibited
34 acts by municipalities and counties in the use of
35 their authority over the placement of facilities for
36 certain purposes; authorizing municipalities and
37 counties to require a right-of-way permit for certain
38 purposes; providing requirements for processing
39 certain permit applications; prohibiting
40 municipalities and counties from certain actions
41 relating to certain aerial or underground
42 communications facilities; specifying limitations and
43 requirements for certain municipal and county rules
44 and regulations; revising definitions under the
45 Advanced Wireless Infrastructure Deployment Act;
46 prohibiting certain actions by an authority relating
47 to certain utility poles; prohibiting authorities from
48 requiring permit applicants to provide certain
49 information, except under certain circumstances;
50 adding prohibited acts by authorities relating to
51 small wireless facilities, application requirements,
52 public notification and public meetings, and the
53 placement of certain facilities; revising
54 applicability of authority rules and regulations
55 governing the placement of utility poles in the public
56 rights-of-way; providing construction relating to
57 judicial review of certain application denials; adding
58 grounds for an authority's denial of a proposed

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59 collocation of a small wireless facility in the public
60 rights-of-way; deleting an authority's authorization
61 to adopt ordinances for performance bonds and security
62 funds; authorizing an authority to require a
63 construction bond, subject to certain conditions;
64 requiring authorities to accept certain financial
65 instruments for certain financial obligations;
66 authorizing providers to add authorities to certain
67 financial instruments; prohibiting an authority from
68 requiring a provider to indemnify the authority for
69 certain liabilities; prohibiting an authority from
70 requiring a permit, approval, fees, charges, costs, or
71 exactions for certain activities; authorizing and
72 limiting filings the authority may require relating to
73 micro wireless facility equipment; providing an
74 exception to a provision authorizing an authority to
75 require a certain right-of-way permit; authorizing
76 authorities to require wireless providers to comply
77 with certain objective design standards adopted by
78 ordinance; authorizing the authority to waive such
79 design standards under certain circumstances;
80 providing a requirement for the waiver; revising an
81 authority's authorization to apply certain ordinances
82 to applications filed before a certain timeframe;
83 prohibiting authorities from certain actions relating
84 to registrations, applications, permits, and approvals
85 in relation to small wireless facilities; deleting a
86 requirement for wireless providers to comply with
87 certain undergrounding requirements; authorizing a

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88 civil action for violations; authorizing actions a
89 court may take; providing applicability; providing an
90 effective date.

91

92 Be It Enacted by the Legislature of the State of Florida:

93

94 Section 1. Paragraphs (a) and (b) of subsection (1) of
95 section 202.12, Florida Statutes, are amended to read:

96 202.12 Sales of communications services.—The Legislature
97 finds that every person who engages in the business of selling
98 communications services at retail in this state is exercising a
99 taxable privilege. It is the intent of the Legislature that the
100 tax imposed by chapter 203 be administered as provided in this
101 chapter.

102 (1) For the exercise of such privilege, a tax is levied on
103 each taxable transaction and is due and payable as follows:

104 (a) Except as otherwise provided in this subsection, at the
105 rate of 3.92 ~~4.92~~ percent applied to the sales price of the
106 communications service that:

107 1. Originates and terminates in this state, or

108 2. Originates or terminates in this state and is charged to
109 a service address in this state,

110

111 when sold at retail, computed on each taxable sale for the
112 purpose of remitting the tax due. The gross receipts tax imposed
113 by chapter 203 shall be collected on the same taxable
114 transactions and remitted with the tax imposed by this
115 paragraph. If no tax is imposed by this paragraph due to the
116 exemption provided under s. 202.125(1), the tax imposed by

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117 chapter 203 shall nevertheless be collected and remitted in the
118 manner and at the time prescribed for tax collections and
119 remittances under this chapter.

120 (b) At the rate of 8.07 ~~9.07~~ percent applied to the retail
121 sales price of any direct-to-home satellite service received in
122 this state. The proceeds of the tax imposed under this paragraph
123 shall be accounted for and distributed in accordance with s.
124 202.18(2). The gross receipts tax imposed by chapter 203 shall
125 be collected on the same taxable transactions and remitted with
126 the tax imposed by this paragraph.

127 Section 2. Paragraph (b) of subsection (2) of section
128 202.20, Florida Statutes, is amended to read:

129 202.20 Local communications services tax conversion rates.—

130 (2)

131 (b) Except as otherwise provided in this subsection,
132 "replaced revenue sources," as used in this section, means the
133 following taxes, charges, fees, or other impositions to the
134 extent that the respective local taxing jurisdictions were
135 authorized to impose them prior to July 1, 2000.

136 1. With respect to municipalities and charter counties and
137 the taxes authorized by s. 202.19(1):

138 a. The public service tax on telecommunications authorized
139 by former s. 166.231(9).

140 b. Franchise fees on cable service providers as authorized
141 by 47 U.S.C. s. 542.

142 c. The public service tax on prepaid calling arrangements.

143 d. Franchise fees on dealers of communications services
144 which use the public roads or rights-of-way, up to the limit set
145 forth in s. 337.401. For purposes of calculating rates under

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146 this section, it is the legislative intent that charter counties
147 be treated as having had the same authority as municipalities to
148 impose franchise fees on recurring local telecommunication
149 service revenues prior to July 1, 2000. However, the Legislature
150 recognizes that the authority of charter counties to impose such
151 fees is in dispute, and the treatment provided in this section
152 is not an expression of legislative intent that charter counties
153 actually do or do not possess such authority.

154 e. Actual permit fees relating to placing or maintaining
155 facilities in or on public roads or rights-of-way, collected
156 from providers of long-distance, cable, and mobile
157 communications services for the fiscal year ending September 30,
158 1999; however, if a municipality or charter county elects the
159 option to charge permit fees pursuant to s. 337.401(3)(c)
160 ~~337.401(3)(c)1.a.~~, such fees shall not be included as a replaced
161 revenue source.

162 2. With respect to all other counties and the taxes
163 authorized in s. 202.19(1), franchise fees on cable service
164 providers as authorized by 47 U.S.C. s. 542.

165 Section 3. Subsection (3), paragraphs (e) and (f) of
166 subsection (6), and paragraphs (b), (c), (d), (e), (f), (g), and
167 (i) of subsection (7) of section 337.401, Florida Statutes, are
168 amended, and subsection (8) is added to that section, to read:

169 337.401 Use of right-of-way for utilities subject to
170 regulation; permit; fees.—

171 (3)(a) Because of the unique circumstances applicable to
172 providers of communications services, including, but not limited
173 to, the circumstances described in paragraph (e) and the fact
174 that federal and state law require the nondiscriminatory

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175 treatment of providers of telecommunications services, and
176 because of the desire to promote competition among providers of
177 communications services, it is the intent of the Legislature
178 that municipalities and counties treat providers of
179 communications services in a nondiscriminatory and competitively
180 neutral manner, taking into account the distinct engineering,
181 construction, operation, maintenance, public works, and safety
182 requirements of the provider's facilities, when imposing rules
183 or regulations governing the placement or maintenance of
184 communications facilities in the public roads or rights-of-way.
185 Rules or regulations imposed by a municipality or county
186 relating to providers of communications services placing or
187 maintaining communications facilities in its roads or rights-of-
188 way must be generally applicable to all providers of
189 communications services and, notwithstanding any other law, may
190 not require a provider of communications services to apply for
191 or enter into an individual license, franchise, or other
192 agreement with the municipality or county as a condition of
193 placing or maintaining communications facilities in its roads or
194 rights-of-way. In addition to other reasonable rules or
195 regulations that a municipality or county may adopt relating to
196 the placement or maintenance of communications facilities in its
197 roads or rights-of-way under this subsection or subsection (7),
198 a municipality or county may require a provider of
199 communications services that places or seeks to place facilities
200 in its roads or rights-of-way to register with the municipality
201 or county. To register, a provider of communications services
202 only may be required to provide its name ~~and to provide the name~~
203 ~~of the registrant;~~ the name, address, and telephone number of a

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204 contact person for the registrant; the number of the
205 registrant's current certificate of authorization issued by the
206 Florida Public Service Commission, the Federal Communications
207 Commission, or the Department of State; and any required proof
208 of insurance or self-insuring status adequate to defend and
209 cover claims. A municipality or county may not require the
210 provision of an inventory of communications facilities, maps,
211 locations of such facilities, or other information by a
212 registrant as a condition of registration, renewal, or for any
213 other purpose; provided, however, that a municipality or county
214 may require as part of a permit application that the applicant
215 identify at-grade communications facilities within 25 feet of
216 the proposed installation location for the placement of at-grade
217 communications facilities. A municipality or county may not
218 require registration renewal more frequently than every 5 years.
219 A municipality or county may not require a provider to pay any
220 fee, cost, or other charge for registration or renewal thereof.
221 It is the intent of the Legislature that the placement,
222 operation, maintenance, upgrading, and extension of
223 communications facilities not be unreasonably interrupted or
224 delayed through the permitting or other local regulatory
225 process. Except as provided in this chapter or otherwise
226 expressly authorized by chapter 202, chapter 364, or chapter
227 610, a municipality or county may not adopt or enforce any
228 ordinance, regulation, or requirement as to the placement or
229 operation of communications facilities in a right-of-way by a
230 communications services provider authorized by state or local
231 law to operate in a right-of-way; regulate any communications
232 services; or impose or collect any tax, fee, cost, charge, or

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233 exaction for the provision of communications services over the
234 communications services provider's communications facilities in
235 a right-of-way.

236 (b) Registration described in paragraph (a) does not
237 establish a right to place or maintain, or priority for the
238 placement or maintenance of, a communications facility in roads
239 or rights-of-way of a municipality or county. Each municipality
240 and county retains the authority to regulate and manage
241 municipal and county roads or rights-of-way in exercising its
242 police power, subject to the limitations imposed in this section
243 and chapters 202 and 610. Any rules or regulations adopted by a
244 municipality or county which govern the occupation of its roads
245 or rights-of-way by providers of communications services must be
246 related to the placement or maintenance of facilities in such
247 roads or rights-of-way, must be reasonable and
248 nondiscriminatory, and may include only those matters necessary
249 to manage the roads or rights-of-way of the municipality or
250 county.

251 (c) Any municipality or county that, as of January 1, 2019,
252 elected to require permit fees from any provider of
253 communications services that uses or occupy municipal or county
254 road or rights-of-way pursuant to former paragraph (c) or
255 paragraph (j), Florida Statutes 2018, may continue to require
256 and collect such fees. A municipality or county that elected as
257 of such date to require permit fees may elect to forego such
258 fees as provided herein. A municipality or county that elected
259 as of such date not to require permit fees may not elect to
260 impose permit fees.

261 ~~1. It is the intention of the state to treat all providers~~

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262 ~~of communications services that use or occupy municipal or~~
263 ~~charter county roads or rights-of-way for the provision of~~
264 ~~communications services in a nondiscriminatory and competitively~~
265 ~~neutral manner with respect to the payment of permit fees.~~
266 ~~Certain providers of communications services have been granted~~
267 ~~by general law the authority to offset permit fees against~~
268 ~~franchise or other fees while other providers of communications~~
269 ~~services have not been granted this authority. In order to treat~~
270 ~~all providers of communications services in a nondiscriminatory~~
271 ~~and competitively neutral manner with respect to the payment of~~
272 ~~permit fees, each municipality and charter county shall make an~~
273 ~~election under either sub-subparagraph a. or sub-subparagraph b.~~
274 ~~and must inform the Department of Revenue of the election by~~
275 ~~certified mail by July 16, 2001. Such election shall take effect~~
276 ~~October 1, 2001.~~

277 ~~a.(I) The municipality or charter county may require and~~
278 ~~collect permit fees from any providers of communications~~
279 ~~services that use or occupy municipal or county roads or rights-~~
280 ~~of-way. All fees authorized ~~permitted~~ under this paragraph ~~sub-~~~~

281 ~~subparagraph~~ must be reasonable and commensurate with the direct
282 and actual cost of the regulatory activity, including issuing
283 and processing permits, plan reviews, physical inspection, and
284 direct administrative costs; must be demonstrable; and must be
285 equitable among users of the roads or rights-of-way. A fee
286 authorized ~~permitted~~ under this paragraph ~~sub-subparagraph~~ may
287 ~~not~~ be offset against the tax imposed under chapter 202;
288 include the costs of roads or rights-of-way acquisition or roads
289 or rights-of-way rental; include any general administrative,
290 management, or maintenance costs of the roads or rights-of-way;

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291 or be based on a percentage of the value or costs associated
292 with the work to be performed on the roads or rights-of-way. In
293 an action to recover amounts due for a fee not authorized
294 ~~permitted~~ under this paragraph ~~sub-subparagraph~~, the prevailing
295 party may recover court costs and attorney ~~attorney's~~ fees at
296 trial and on appeal. In addition to the limitations set forth in
297 this section, a fee levied by a municipality or charter county
298 under this paragraph ~~sub-subparagraph~~ may not exceed \$100.
299 However, permit fees may not be imposed with respect to permits
300 that may be required for service drop lines not required to be
301 noticed under s. 556.108(5) ~~s. 556.108(5)(a)2.~~ or for any
302 activity that does not require the physical disturbance of the
303 roads or rights-of-way or does not impair access to or full use
304 of the roads or rights-of-way, including, but not limited to,
305 any emergency repairs of existing lawfully placed facilities,
306 extensions of such facilities for providing communications
307 services to customers, and the placement of micro wireless
308 facilities in accordance with subparagraph (7)(e)3.

309 ~~(II) To ensure competitive neutrality among providers of~~
310 ~~communications services, for any municipality or charter county~~
311 ~~that elects to exercise its authority to require and collect~~
312 ~~permit fees under this sub-subparagraph, the rate of the local~~
313 ~~communications services tax imposed by such jurisdiction, as~~
314 ~~computed under s. 202.20, shall automatically be reduced by a~~
315 ~~rate of 0.12 percent.~~

316 ~~b. Alternatively, the municipality or charter county may~~
317 ~~elect not to require and collect permit fees from any provider~~
318 ~~of communications services that uses or occupies municipal or~~
319 ~~charter county roads or rights-of-way for the provision of~~

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320 ~~communications services; however, each municipality or charter~~
321 ~~county that elects to operate under this sub-subparagraph~~
322 ~~retains all authority to establish rules and regulations for~~
323 ~~providers of communications services to use or occupy roads or~~
324 ~~rights of way as provided in this section.~~

325 1. If a municipality or charter county elects to not
326 require permit fees ~~operate under this sub-subparagraph~~, the
327 total rate for the local communications services tax as computed
328 under s. 202.20 for that municipality or charter county may be
329 increased by ordinance or resolution by an amount not to exceed
330 a rate of 0.12 percent. ~~If a municipality or charter county~~
331 ~~elects to increase its rate effective October 1, 2001, the~~
332 ~~municipality or charter county shall inform the department of~~
333 ~~such increased rate by certified mail postmarked on or before~~
334 ~~July 16, 2001.~~

335 ~~e. A municipality or charter county that does not make an~~
336 ~~election as provided for in this subparagraph shall be presumed~~
337 ~~to have elected to operate under the provisions of sub-~~
338 ~~subparagraph b.~~

339 2. ~~Each noncharter county shall make an election under~~
340 ~~either sub-subparagraph a. or sub-subparagraph b. and shall~~
341 ~~inform the Department of Revenue of the election by certified~~
342 ~~mail by July 16, 2001. Such election shall take effect October~~
343 ~~1, 2001.~~

344 a. ~~The noncharter county may elect to require and collect~~
345 ~~permit fees from any providers of communications services that~~
346 ~~use or occupy noncharter county roads or rights of way. All fees~~
347 ~~permitted under this sub-subparagraph must be reasonable and~~
348 ~~commensurate with the direct and actual cost of the regulatory~~

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349 ~~activity, including issuing and processing permits, plan~~
350 ~~reviews, physical inspection, and direct administrative costs;~~
351 ~~must be demonstrable; and must be equitable among users of the~~
352 ~~roads or rights-of-way. A fee permitted under this sub-~~
353 ~~subparagraph may not: be offset against the tax imposed under~~
354 ~~chapter 202; include the costs of roads or rights-of-way~~
355 ~~acquisition or roads or rights-of-way rental; include any~~
356 ~~general administrative, management, or maintenance costs of the~~
357 ~~roads or rights-of-way; or be based on a percentage of the value~~
358 ~~or costs associated with the work to be performed on the roads~~
359 ~~or rights-of-way. In an action to recover amounts due for a fee~~
360 ~~not permitted under this sub-subparagraph, the prevailing party~~
361 ~~may recover court costs and attorney's fees at trial and on~~
362 ~~appeal. In addition to the limitations set forth in this~~
363 ~~section, a fee levied by a noncharter county under this sub-~~
364 ~~subparagraph may not exceed \$100. However, permit fees may not~~
365 ~~be imposed with respect to permits that may be required for~~
366 ~~service drop lines not required to be noticed under s.~~
367 ~~556.108(5)(a)2. or for any activity that does not require the~~
368 ~~physical disturbance of the roads or rights-of-way or does not~~
369 ~~impair access to or full use of the roads or rights-of-way.~~

370 ~~b. Alternatively, the noncharter county may elect not to~~
371 ~~require and collect permit fees from any provider of~~
372 ~~communications services that uses or occupies noncharter county~~
373 ~~roads or rights-of-way for the provision of communications~~
374 ~~services; however, each noncharter county that elects to operate~~
375 ~~under this sub-subparagraph shall retain all authority to~~
376 ~~establish rules and regulations for providers of communications~~
377 ~~services to use or occupy roads or rights-of-way as provided in~~

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378 ~~this section.~~

379 2. If a noncharter county elects to not require permit fees
380 ~~operate under this sub-subparagraph,~~ the total rate for the
381 local communications services tax as computed under s. 202.20
382 for that noncharter county may be increased by ordinance or
383 resolution by an amount not to exceed a rate of 0.24 percent, to
384 replace the revenue the noncharter county would otherwise have
385 received from permit fees for providers of communications
386 services. ~~If a noncharter county elects to increase its rate~~
387 ~~effective October 1, 2001, the noncharter county shall inform~~
388 ~~the department of such increased rate by certified mail~~
389 ~~postmarked on or before July 16, 2001.~~

390 ~~e. A noncharter county that does not make an election as~~
391 ~~provided for in this subparagraph shall be presumed to have~~
392 ~~elected to operate under the provisions of sub-subparagraph b.~~

393 ~~3. Except as provided in this paragraph, municipalities and~~
394 ~~counties retain all existing authority to require and collect~~
395 ~~permit fees from users or occupants of municipal or county roads~~
396 ~~or rights-of-way and to set appropriate permit fee amounts.~~

397 ~~(d) After January 1, 2001,~~ In addition to any other notice
398 requirements, a municipality must provide to the Secretary of
399 State, at least 10 days prior to consideration on first reading,
400 notice of a proposed ordinance governing a telecommunications
401 company placing or maintaining telecommunications facilities in
402 its roads or rights-of-way. ~~After January 1, 2001,~~ In addition
403 to any other notice requirements, a county must provide to the
404 Secretary of State, at least 15 days prior to consideration at a
405 public hearing, notice of a proposed ordinance governing a
406 telecommunications company placing or maintaining

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407 telecommunications facilities in its roads or rights-of-way. The
408 notice required by this paragraph must be published by the
409 Secretary of State on a designated Internet website. The failure
410 of a municipality or county to provide such notice does not
411 render the ordinance invalid, provided that enforcement of such
412 ordinance must be suspended until the municipality or county
413 provides the required notice and duly considers amendments from
414 affected persons.

415 (e) The authority of municipalities and counties to require
416 franchise fees from providers of communications services, with
417 respect to the provision of communications services, is
418 specifically preempted by the state because of unique
419 circumstances applicable to providers of communications services
420 when compared to other utilities occupying municipal or county
421 roads or rights-of-way. Providers of communications services may
422 provide similar services in a manner that requires the placement
423 of facilities in municipal or county roads or rights-of-way or
424 in a manner that does not require the placement of facilities in
425 such roads or rights-of-way. Although similar communications
426 services may be provided by different means, the state desires
427 to treat providers of communications services in a
428 nondiscriminatory manner and to have the taxes, franchise fees,
429 and other fees, costs, and financial or regulatory exactions
430 paid by or imposed on providers of communications services be
431 competitively neutral. Municipalities and counties retain all
432 existing authority, if any, to collect franchise fees from users
433 or occupants of municipal or county roads or rights-of-way other
434 than providers of communications services, and the provisions of
435 this subsection shall have no effect upon this authority. The

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436 provisions of this subsection do not restrict the authority, if
437 any, of municipalities or counties or other governmental
438 entities to receive reasonable rental fees based on fair market
439 value for the use of public lands and buildings on property
440 outside the public roads or rights-of-way for the placement of
441 communications antennas and towers.

442 (f) Except as expressly allowed or authorized by general
443 law and except for the rights-of-way permit fees subject to
444 paragraph (c), a municipality or county may not levy on a
445 provider of communications services a tax, fee, or other charge
446 or imposition for operating as a provider of communications
447 services within the jurisdiction of the municipality or county
448 which is in any way related to using its roads or rights-of-way.
449 A municipality or county may not require or solicit in-kind
450 compensation, except as otherwise provided in s. 202.24(2)(c)8.
451 or s. 610.109, provided that the in-kind compensation is not a
452 franchise fee under federal law. Nothing in this paragraph shall
453 impair any ordinance or agreement in effect on May 22, 1998, or
454 any voluntary agreement entered into subsequent to that date,
455 which provides for or allows in-kind compensation by a
456 telecommunications company.

457 (g) A municipality or county may not use its authority over
458 the placement of facilities in its roads and rights-of-way as a
459 basis for asserting or exercising regulatory control over a
460 provider of communications services regarding matters within the
461 exclusive jurisdiction of the Florida Public Service Commission
462 or the Federal Communications Commission, including, but not
463 limited to, the operations, systems, equipment, technology,
464 qualifications, services, service quality, service territory,

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465 and prices of a provider of communications services. A
466 municipality or county may not require any permit for the
467 installation, placement, maintenance, or replacement of aerial
468 wireline communications facilities on or between existing
469 utility poles by a communications services provider; provided,
470 however, that a municipality or county may require a right-of-
471 way permit for work that involves excavation, closure of a
472 sidewalk, or closure of a vehicular lane, unless the provider is
473 making emergency restoration or repair work to existing lawfully
474 placed facilities. Any permit application required by an
475 authority under this section for the placement of communications
476 facilities must be processed and acted upon consistent with the
477 timeframes provided in subparagraphs (7) (d) 7.-9. In addition, a
478 municipality or county may not require any permit or other
479 approval, fee, charge, or cost, or other exaction for the
480 extension, routine maintenance and repair, or replacement and
481 upgrade of existing aerial or underground communications
482 facilities located on private property outside of the public
483 rights-of-way.

484 (h) A provider of communications services that has obtained
485 permission to occupy the roads or rights-of-way of an
486 incorporated municipality pursuant to s. 362.01 or that is
487 otherwise lawfully occupying the roads or rights-of-way of a
488 municipality or county shall not be required to obtain consent
489 to continue such lawful occupation of those roads or rights-of-
490 way; however, nothing in this paragraph shall be interpreted to
491 limit the power of a municipality or county to adopt or enforce
492 reasonable rules or regulations as provided in this section and
493 consistent with chapters 202, 364, and 610. Any such rules or

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494 regulations must be in writing, and providers of communications
495 services in the municipality or county must be given at least 60
496 days advance written notice of any changes to the rules and
497 regulations.

498 (i) Except as expressly provided in this section, this
499 section does not modify the authority of municipalities and
500 counties to levy the tax authorized in chapter 202 or the duties
501 of providers of communications services under ss. 337.402-
502 337.404. This section does not apply to building permits, pole
503 attachments, or private roads, private easements, and private
504 rights-of-way.

505 ~~(j) Pursuant to this paragraph, any county or municipality~~
506 ~~may by ordinance change either its election made on or before~~
507 ~~July 16, 2001, under paragraph (c) or an election made under~~
508 ~~this paragraph.~~

509 ~~1.a. If a municipality or charter county changes its~~
510 ~~election under this paragraph in order to exercise its authority~~
511 ~~to require and collect permit fees in accordance with this~~
512 ~~subsection, the rate of the local communications services tax~~
513 ~~imposed by such jurisdiction pursuant to ss. 202.19 and 202.20~~
514 ~~shall automatically be reduced by the sum of 0.12 percent plus~~
515 ~~the percentage, if any, by which such rate was increased~~
516 ~~pursuant to sub-subparagraph (c)1.b.~~

517 ~~b. If a municipality or charter county changes its election~~
518 ~~under this paragraph in order to discontinue requiring and~~
519 ~~collecting permit fees, the rate of the local communications~~
520 ~~services tax imposed by such jurisdiction pursuant to ss. 202.19~~
521 ~~and 202.20 may be increased by ordinance or resolution by an~~
522 ~~amount not to exceed 0.24 percent.~~

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523 ~~2.a. If a noncharter county changes its election under this~~
524 ~~paragraph in order to exercise its authority to require and~~
525 ~~collect permit fees in accordance with this subsection, the rate~~
526 ~~of the local communications services tax imposed by such~~
527 ~~jurisdiction pursuant to ss. 202.19 and 202.20 shall~~
528 ~~automatically be reduced by the percentage, if any, by which~~
529 ~~such rate was increased pursuant to sub-subparagraph (c)2.b.~~

530 ~~b. If a noncharter county changes its election under this~~
531 ~~paragraph in order to discontinue requiring and collecting~~
532 ~~permit fees, the rate of the local communications services tax~~
533 ~~imposed by such jurisdiction pursuant to ss. 202.19 and 202.20~~
534 ~~may be increased by ordinance or resolution by an amount not to~~
535 ~~exceed 0.24 percent.~~

536 ~~3.a. Any change of election pursuant to this paragraph and~~
537 ~~any tax rate change resulting from such change of election shall~~
538 ~~be subject to the notice requirements of s. 202.21; however, no~~
539 ~~such change of election shall become effective prior to January~~
540 ~~1, 2003.~~

541 ~~b. Any county or municipality changing its election under~~
542 ~~this paragraph in order to exercise its authority to require and~~
543 ~~collect permit fees shall, in addition to complying with the~~
544 ~~notice requirements under s. 202.21, provide to all dealers~~
545 ~~providing communications services in such jurisdiction written~~
546 ~~notice of such change of election by September 1 immediately~~
547 ~~preceding the January 1 on which such change of election becomes~~
548 ~~effective. For purposes of this sub-subparagraph, dealers~~
549 ~~providing communications services in such jurisdiction shall~~
550 ~~include every dealer reporting tax to such jurisdiction pursuant~~
551 ~~to s. 202.37 on the return required under s. 202.27 to be filed~~

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552 ~~on or before the 20th day of May immediately preceding the~~
553 ~~January 1 on which such change of election becomes effective.~~

554 ~~(k)~~ Notwithstanding the provisions of s. 202.19, when a
555 local communications services tax rate is changed as a result of
556 an election made or changed under this subsection, such rate may
557 ~~shall~~ not be rounded to tenths.

558 (6)

559 (e) This subsection does not alter any provision of this
560 section or s. 202.24 relating to taxes, fees, or other charges
561 or impositions by a municipality or county on a dealer of
562 communications services or authorize that any charges be
563 assessed on a dealer of communications services, except as
564 specifically set forth herein. A municipality or county may not
565 charge a pass-through provider any amounts other than the
566 charges under this subsection as a condition to the placement or
567 maintenance of a communications facility in the roads or rights-
568 of-way of a municipality or county by a pass-through provider,
569 except that a municipality or county may impose permit fees on a
570 pass-through provider consistent with paragraph (3)(c) ~~if the~~
571 ~~municipality or county elects to exercise its authority to~~
572 ~~collect permit fees under paragraph (3)(e).~~

573 (f) The charges under this subsection do not apply to
574 communications facilities placed in a municipality's or county's
575 rights-of-way prior to the effective date of this subsection
576 with permission from the municipality or county, if any was
577 required, except to the extent the facilities of a pass-through
578 provider were subject to per linear foot or mile charges in
579 effect as of October 1, 2001, in which case the municipality or
580 county may only impose on a pass-through provider charges

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581 consistent with paragraph (b) or paragraph (c) for such
582 facilities. Notwithstanding the foregoing, this subsection does
583 not impair any written agreement between a pass-through provider
584 and a municipality or county imposing per linear foot or mile
585 charges for communications facilities placed in municipal or
586 county roads or rights-of-way that is in effect prior to the
587 effective date of this subsection. Upon the termination or
588 expiration of any such written agreement, any charges imposed
589 must shall be consistent with this section ~~paragraph (b) or~~
590 ~~paragraph (c). Notwithstanding the foregoing, until October 1,~~
591 ~~2005, this subsection shall not affect a municipality or county~~
592 ~~continuing to impose charges in excess of the charges authorized~~
593 ~~in this subsection on facilities of a pass-through provider that~~
594 ~~is not a dealer of communications services in the state under~~
595 ~~chapter 202, but only to the extent such charges were imposed by~~
596 ~~municipal or county ordinance or resolution adopted prior to~~
597 ~~February 1, 2002. Effective October 1, 2005, any charges imposed~~
598 ~~shall be consistent with paragraph (b) or paragraph (c).~~

599 (7)

600 (b) As used in this subsection, the term:

601 1. "Antenna" means communications equipment that transmits
602 or receives electromagnetic radio frequency signals used in
603 providing wireless services.

604 2. "Applicable codes" means uniform building, fire,
605 electrical, plumbing, or mechanical codes adopted by a
606 recognized national code organization or local amendments to
607 those codes enacted solely to address threats of destruction of
608 property or injury to persons, ~~or local codes or ordinances~~
609 ~~adopted to implement this subsection. The term includes~~

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610 ~~objective design standards adopted by ordinance that may require~~
611 ~~a new utility pole that replaces an existing utility pole to be~~
612 ~~of substantially similar design, material, and color or that may~~
613 ~~require reasonable spacing requirements concerning the location~~
614 ~~of ground-mounted equipment. The term includes objective design~~
615 ~~standards adopted by ordinance that may require a small wireless~~
616 ~~facility to meet reasonable location context, color, stealth,~~
617 ~~and concealment requirements; however, such design standards may~~
618 ~~be waived by the authority upon a showing that the design~~
619 ~~standards are not reasonably compatible for the particular~~
620 ~~location of a small wireless facility or that the design~~
621 ~~standards impose an excessive expense. The waiver shall be~~
622 ~~granted or denied within 45 days after the date of the request.~~

623 3. "Applicant" means a person who submits an application
624 and is a wireless provider.

625 4. "Application" means a request submitted by an applicant
626 to an authority for a permit to collocate small wireless
627 facilities or to place a new utility pole used to support a
628 small wireless facility.

629 5. "Authority" means a county or municipality having
630 jurisdiction and control of the rights-of-way of any public
631 road. The term does not include the Department of
632 Transportation. Rights-of-way under the jurisdiction and control
633 of the department are excluded from this subsection.

634 6. "Authority utility pole" means a utility pole owned by
635 an authority in the right-of-way. The term does not include a
636 utility pole owned by a municipal electric utility, a utility
637 pole used to support municipally owned or operated electric
638 distribution facilities, or a utility pole located in the right-

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639 of-way within:

640 a. A retirement community that:

641 (I) Is deed restricted as housing for older persons as
642 defined in s. 760.29(4) (b);

643 (II) Has more than 5,000 residents; and

644 (III) Has underground utilities for electric transmission
645 or distribution.

646 b. A municipality that:

647 (I) Is located on a coastal barrier island as defined in s.
648 161.053(1) (b)3.;

649 (II) Has a land area of less than 5 square miles;

650 (III) Has less than 10,000 residents; and

651 (IV) Has, before July 1, 2017, received referendum approval
652 to issue debt to finance municipal-wide undergrounding of its
653 utilities for electric transmission or distribution.

654 7. "Collocate" or "collocation" means to install, mount,
655 maintain, modify, operate, or replace one or more wireless
656 facilities on, under, within, or adjacent to a wireless support
657 structure or utility pole. The term does not include the
658 installation of a new utility pole or wireless support structure
659 in the public rights-of-way.

660 8. "FCC" means the Federal Communications Commission.

661 9. "Micro wireless facility" means a small wireless
662 facility having dimensions no larger than 24 inches in length,
663 15 inches in width, and 12 inches in height and an exterior
664 antenna, if any, no longer than 11 inches.

665 10. "Small wireless facility" means a wireless facility
666 that meets the following qualifications:

667 a. Each antenna associated with the facility is located

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668 inside an enclosure of no more than 6 cubic feet in volume or,
669 in the case of antennas that have exposed elements, each antenna
670 and all of its exposed elements could fit within an enclosure of
671 no more than 6 cubic feet in volume; and

672 b. All other wireless equipment associated with the
673 facility is cumulatively no more than 28 cubic feet in volume.
674 The following types of associated ancillary equipment are not
675 included in the calculation of equipment volume: electric
676 meters, concealment elements, telecommunications demarcation
677 boxes, ground-based enclosures, grounding equipment, power
678 transfer switches, cutoff switches, vertical cable runs for the
679 connection of power and other services, and utility poles or
680 other support structures.

681 11. "Utility pole" means a pole or similar structure that
682 is used in whole or in part to provide communications services
683 or for electric distribution, lighting, traffic control,
684 signage, or a similar function. The term includes the vertical
685 support structure for traffic lights but does not include a
686 horizontal structure to which signal lights or other traffic
687 control devices are attached and does not include a pole or
688 similar structure 15 feet in height or less unless an authority
689 grants a waiver for such pole.

690 12. "Wireless facility" means equipment at a fixed location
691 which enables wireless communications between user equipment and
692 a communications network, including radio transceivers,
693 antennas, wires, coaxial or fiber-optic cable or other cables,
694 regular and backup power supplies, and comparable equipment,
695 regardless of technological configuration, and equipment
696 associated with wireless communications. The term includes small

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697 wireless facilities. The term does not include:

698 a. The structure or improvements on, under, within, or
699 adjacent to the structure on which the equipment is collocated;

700 b. Wireline backhaul facilities; or

701 c. Coaxial or fiber-optic cable that is between wireless
702 structures or utility poles or that is otherwise not immediately
703 adjacent to or directly associated with a particular antenna.

704 13. "Wireless infrastructure provider" means a person who
705 has been certificated under chapter 364 to provide
706 telecommunications service ~~in the state~~ or under chapter 610 to
707 provide cable or video services in this state, or that person's
708 affiliate, and who builds or installs wireless communication
709 transmission equipment, wireless facilities, or wireless support
710 structures but is not a wireless services provider.

711 14. "Wireless provider" means a wireless infrastructure
712 provider or a wireless services provider.

713 15. "Wireless services" means any services provided using
714 licensed or unlicensed spectrum, whether at a fixed location or
715 mobile, using wireless facilities.

716 16. "Wireless services provider" means a person who
717 provides wireless services.

718 17. "Wireless support structure" means a freestanding
719 structure, such as a monopole, a guyed or self-supporting tower,
720 or another existing or proposed structure designed to support or
721 capable of supporting wireless facilities. The term does not
722 include a utility pole, pedestal, or other support structure for
723 ground-based equipment not mounted on a utility pole and less
724 than 10 feet in height.

725 (c) Except as provided in this subsection, an authority may

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726 not prohibit, regulate, or charge for the collocation of small
727 wireless facilities in the public rights-of-way or for the
728 installation, maintenance, modification, operation, or
729 replacement of utility poles used for the collocation of small
730 wireless facilities in the public rights-of-way.

731 (d) An authority may require a registration process and
732 permit fees in accordance with subsection (3). An authority
733 shall accept applications for permits and shall process and
734 issue permits subject to the following requirements:

735 1. An authority may not directly or indirectly require an
736 applicant to perform services unrelated to the collocation for
737 which approval is sought, such as in-kind contributions to the
738 authority, including reserving fiber, conduit, or pole space for
739 the authority.

740 2. An applicant may not be required to provide more
741 information to obtain a permit than is necessary to demonstrate
742 the applicant's compliance with applicable codes for the
743 placement of small wireless facilities in the locations
744 identified in the application. An applicant may not be required
745 to provide inventories, maps, or locations of communications
746 facilities in the right-of-way other than as necessary to avoid
747 interference with other at-grade facilities located at the
748 specific location proposed for a small wireless facility or
749 within 25 feet of such location.

750 3. An authority may not:

751 a. Require the placement of small wireless facilities on
752 any specific utility pole or category of poles; ~~or~~

753 b. Require the placement of multiple antenna systems on a
754 single utility pole;

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- 755 c. Require a demonstration that collocation of a small
756 wireless facility on an existing structure is not legally or
757 technically possible as a condition for granting a permit for
758 the collocation of a small wireless facility on a new utility
759 pole;
- 760 d. Require compliance with an authority's provisions
761 regarding placement of small wireless facilities or a new
762 utility pole used to support a small wireless facility in
763 rights-of-way not under the control of the authority pursuant to
764 a delegation from the department, or require such compliance as
765 a condition to receive a permit that is ancillary to the permit
766 for collocation of a small wireless facility, including an
767 electrical permit;
- 768 e. Require a meeting before filing an application;
- 769 f. Require direct or indirect public notification or a
770 public meeting for the placement of communication facilities in
771 the right-of-way;
- 772 g. Limit the size or configuration of a small wireless
773 facility or any of its components, if the small wireless
774 facility complies with the size limits in this subsection;
- 775 h. Prohibit the installation of a new utility pole used to
776 support the collocation of a small wireless facility if the
777 installation otherwise meets the requirements of this
778 subsection;
- 779 i. Require that any component of a small wireless facility
780 be placed underground; or
- 781 j. Require that any existing communication facility be
782 placed underground, except as provided in ss. 337.403 and
783 337.404.

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784 4. Subject to sub-subparagraph (f)6.b., an authority may
785 not limit the placement, by minimum separation distances, of
786 small wireless facilities, utility poles on which small wireless
787 facilities are or will be collocated, or other at-grade
788 communications facilities ~~by minimum separation distances.~~

789 However, within 14 days after the date of filing the
790 application, an authority may request that the proposed location
791 of a small wireless facility be moved to another location in the
792 right-of-way and placed on an alternative authority utility pole
793 or support structure or placed on ~~may place~~ a new utility pole.
794 The authority and the applicant may negotiate the alternative
795 location, including any objective design standards and
796 reasonable spacing requirements for ground-based equipment, for
797 30 days after the date of the request. At the conclusion of the
798 negotiation period, if the alternative location is accepted by
799 the applicant, the applicant must notify the authority of such
800 acceptance and the application shall be deemed granted for any
801 new location for which there is agreement and all other
802 locations in the application. If an agreement is not reached,
803 the applicant must notify the authority of such nonagreement and
804 the authority must grant or deny the original application within
805 90 days after the date the application was filed. A request for
806 an alternative location, an acceptance of an alternative
807 location, or a rejection of an alternative location must be in
808 writing and provided by electronic mail.

809 5. An authority shall limit the height of a small wireless
810 facility to 10 feet above the utility pole or structure upon
811 which the small wireless facility is to be collocated. Unless
812 waived by an authority, the height for a new utility pole is

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813 limited to the tallest existing utility pole as of July 1, 2017,
814 located in the same right-of-way, other than a utility pole for
815 which a waiver has previously been granted, measured from grade
816 in place within 500 feet of the proposed location of the small
817 wireless facility. If there is no utility pole within 500 feet,
818 the authority shall limit the height of the utility pole to 50
819 feet.

820 6. ~~Except as provided in subparagraphs 4. and 5.,~~ The
821 installation by a communications services provider of a utility
822 pole in the public rights-of-way, other than a utility pole used
823 ~~designed~~ to support a small wireless facility, is ~~shall be~~
824 subject to authority rules or regulations governing the
825 placement of utility poles in the public rights-of-way and is
826 ~~shall be~~ subject to the application review timeframes in this
827 subsection.

828 7. Within 14 days after receiving an application, an
829 authority must determine and notify the applicant by electronic
830 mail as to whether the application is complete. If an
831 application is deemed incomplete, the authority must
832 specifically identify the missing information. An application is
833 deemed complete if the authority fails to provide notification
834 to the applicant within 14 days.

835 8. An application must be processed on a nondiscriminatory
836 basis. A complete application is deemed approved if an authority
837 fails to approve or deny the application within 60 days after
838 receipt of the application. If an authority does not use the 30-
839 day negotiation period provided in subparagraph 4., the parties
840 may mutually agree to extend the 60-day application review
841 period. The authority shall grant or deny the application at the

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842 end of the extended period. A permit issued pursuant to an
843 approved application shall remain effective for 1 year unless
844 extended by the authority.

845 9. An authority must notify the applicant of approval or
846 denial by electronic mail. An authority shall approve a complete
847 application unless it does not meet the authority's applicable
848 codes. If the application is denied, the authority must specify
849 in writing the basis for denial, including the specific code
850 provisions on which the denial was based, and send the
851 documentation to the applicant by electronic mail on the day the
852 authority denies the application. The applicant may cure the
853 deficiencies identified by the authority and resubmit the
854 application within 30 days after notice of the denial is sent to
855 the applicant. The authority shall approve or deny the revised
856 application within 30 days after receipt or the application is
857 deemed approved. The review of a revised application is ~~Any~~
858 ~~subsequent review shall be~~ limited to the deficiencies cited in
859 the denial. The availability of any subsequent review by the
860 authority does not bar review of a denial in a court of
861 competent jurisdiction.

862 10. An applicant seeking to collocate small wireless
863 facilities within the jurisdiction of a single authority may, at
864 the applicant's discretion, file a consolidated application and
865 receive a single permit for the collocation of up to 30 small
866 wireless facilities. If the application includes multiple small
867 wireless facilities, an authority may separately address small
868 wireless facility collocations for which incomplete information
869 has been received or which are denied.

870 11. An authority may deny a proposed collocation of a small

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871 wireless facility in the public rights-of-way if the proposed
872 collocation:

873 a. Materially interferes with the safe operation of traffic
874 control equipment.

875 b. Materially interferes with sight lines or clear zones
876 for transportation, pedestrians, or public safety purposes.

877 c. Materially interferes with compliance with the Americans
878 with Disabilities Act or similar federal or state standards
879 regarding pedestrian access or movement.

880 d. Materially fails to comply with the 2010 edition of the
881 Florida Department of Transportation Utility Accommodation
882 Manual.

883 e. Fails to comply with applicable codes.

884 f. Fails to comply with objective design standards
885 authorized under subparagraph (f) 6.

886 12. An authority may adopt by ordinance provisions for
887 insurance coverage, indemnification, ~~performance bonds, security~~
888 ~~funds~~, force majeure, abandonment, authority liability, or
889 authority warranties. Such provisions must be reasonable and
890 nondiscriminatory. An authority may require a construction bond
891 to secure restoration of the postconstruction rights-of-way to
892 its preconstruction condition. However, such bond must be time-
893 limited to no more than 1 year after the construction to which
894 the bond applies is completed. For any financial obligation
895 required by an authority allowed under this section, the
896 authority shall accept a letter of credit or similar financial
897 instrument issued by any financial institution that is
898 authorized to do business within the United States, provided
899 that a claim against the financial instrument may be made by

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900 electronic means, including by facsimile. A provider of
901 communications services may add an authority to any existing
902 bond, insurance policy, or other relevant financial instrument,
903 and the authority must accept such proof of coverage without any
904 conditions. An authority may not require a communications
905 services provider to indemnify it for liabilities not caused by
906 the provider, including liabilities arising from the authority's
907 negligence, gross negligence, or willful conduct.

908 13. Collocation of a small wireless facility on an
909 authority utility pole does not provide the basis for the
910 imposition of an ad valorem tax on the authority utility pole.

911 14. An authority may reserve space on authority utility
912 poles for future public safety uses. However, a reservation of
913 space may not preclude collocation of a small wireless facility.
914 If replacement of the authority utility pole is necessary to
915 accommodate the collocation of the small wireless facility and
916 the future public safety use, the pole replacement is subject to
917 make-ready provisions and the replaced pole shall accommodate
918 the future public safety use.

919 15. A structure granted a permit and installed pursuant to
920 this subsection shall comply with chapter 333 and federal
921 regulations pertaining to airport airspace protections.

922 (e) An authority may not require any permit or other
923 approval or require fees, ~~or other~~ charges, costs, or other
924 exactions for:

925 1. Routine maintenance or repair work, including, but not
926 limited to, emergency repairs of existing lawfully placed
927 facilities, or extensions of such facilities, for providing
928 communications services to customers;

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929 2. Replacement of existing wireless facilities with
930 wireless facilities that are substantially similar or of the
931 same or smaller size; or

932 3. Installation, placement, maintenance, or replacement of
933 micro wireless facilities that are suspended on cables strung
934 between existing utility poles in compliance with applicable
935 codes by or for a communications services provider authorized to
936 occupy the rights-of-way and who is remitting taxes under
937 chapter 202. An authority may require an initial letter from or
938 on behalf of such provider, which is effective upon filing,
939 attesting that the micro wireless facility dimensions comply
940 with the limits of this subsection. The authority may not
941 require any additional filing or other information as long as
942 the provider is deploying the same, a substantially similar, or
943 a smaller size micro wireless facility equipment.

944
945 Notwithstanding this paragraph, an authority may require a
946 right-of-way permit for work that involves excavation, closure
947 of a sidewalk, or closure of a vehicular lane unless the
948 provider is making emergency restoration or repair work to
949 existing lawfully placed facilities.

950 (f) Collocation of small wireless facilities on authority
951 utility poles is subject to the following requirements:

952 1. An authority may not enter into an exclusive arrangement
953 with any person for the right to attach equipment to authority
954 utility poles.

955 2. The rates and fees for collocations on authority utility
956 poles must be nondiscriminatory, regardless of the services
957 provided by the collocating person.

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958 3. The rate to collocate small wireless facilities on an
959 authority utility pole may not exceed \$150 per pole annually.

960 4. Agreements between authorities and wireless providers
961 that are in effect on July 1, 2017, and that relate to the
962 collocation of small wireless facilities in the right-of-way,
963 including the collocation of small wireless facilities on
964 authority utility poles, remain in effect, subject to applicable
965 termination provisions. The wireless provider may accept the
966 rates, fees, and terms established under this subsection for
967 small wireless facilities and utility poles that are the subject
968 of an application submitted after the rates, fees, and terms
969 become effective.

970 5. A person owning or controlling an authority utility pole
971 shall offer rates, fees, and other terms that comply with this
972 subsection. By the later of January 1, 2018, or 3 months after
973 receiving a request to collocate its first small wireless
974 facility on a utility pole owned or controlled by an authority,
975 the person owning or controlling the authority utility pole
976 shall make available, through ordinance or otherwise, rates,
977 fees, and terms for the collocation of small wireless facilities
978 on the authority utility pole which comply with this subsection.

979 a. The rates, fees, and terms must be nondiscriminatory and
980 competitively neutral and must comply with this subsection.

981 b. For an authority utility pole that supports an aerial
982 facility used to provide communications services or electric
983 service, the parties shall comply with the process for make-
984 ready work under 47 U.S.C. s. 224 and implementing regulations.
985 The good faith estimate of the person owning or controlling the
986 pole for any make-ready work necessary to enable the pole to

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987 support the requested collocation must include pole replacement
988 if necessary.

989 c. For an authority utility pole that does not support an
990 aerial facility used to provide communications services or
991 electric service, the authority shall provide a good faith
992 estimate for any make-ready work necessary to enable the pole to
993 support the requested collocation, including necessary pole
994 replacement, within 60 days after receipt of a complete
995 application. Make-ready work, including any pole replacement,
996 must be completed within 60 days after written acceptance of the
997 good faith estimate by the applicant. Alternatively, an
998 authority may require the applicant seeking to collocate a small
999 wireless facility to provide a make-ready estimate at the
1000 applicant's expense for the work necessary to support the small
1001 wireless facility, including pole replacement, and perform the
1002 make-ready work. If pole replacement is required, the scope of
1003 the make-ready estimate is limited to the design, fabrication,
1004 and installation of a utility pole that is substantially similar
1005 in color and composition. The authority may not condition or
1006 restrict the manner in which the applicant obtains, develops, or
1007 provides the estimate or conducts the make-ready work subject to
1008 usual construction restoration standards for work in the right-
1009 of-way. The replaced or altered utility pole shall remain the
1010 property of the authority.

1011 d. An authority may not require more make-ready work than
1012 is required to meet applicable codes or industry standards. Fees
1013 for make-ready work may not include costs related to preexisting
1014 damage or prior noncompliance. Fees for make-ready work,
1015 including any pole replacement, may not exceed actual costs or

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1016 the amount charged to communications services providers other
1017 than wireless services providers for similar work and may not
1018 include any consultant fee or expense.

1019 6. An authority may require wireless providers to comply
1020 with objective design standards adopted by ordinance. The
1021 ordinance may require:

1022 a. A new utility pole that replaces an existing utility
1023 pole to be of substantially similar design, material, and color;

1024 b. Reasonable spacing requirements concerning the location
1025 of a ground-mounted component of a small wireless facility which
1026 does not exceed 15 feet from the associated support structure;
1027 or

1028 c. A small wireless facility to meet reasonable location
1029 context, color, camouflage, and concealment requirements,
1030 subject to the limitations in this subsection.

1031
1032 Such design standards under this subparagraph may be waived by
1033 the authority upon a showing that the design standards are not
1034 reasonably compatible for the particular location of a small
1035 wireless facility or are technically infeasible or that the
1036 design standards impose an excessive expense. The waiver must be
1037 granted or denied within 45 days after the date of the request.

1038 (g) For any applications filed before the effective date of
1039 ordinances implementing this subsection, an authority may apply
1040 current ordinances relating to placement of communications
1041 facilities in the right-of-way related to registration,
1042 permitting, insurance coverage, indemnification, ~~performance~~
1043 ~~bonds, security funds,~~ force majeure, abandonment, authority
1044 liability, or authority warranties. Permit application

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1045 requirements and small wireless facility placement requirements,
1046 including utility pole height limits, that conflict with this
1047 subsection must ~~shall~~ be waived by the authority. An authority
1048 may not institute, either expressly or de facto, a moratorium,
1049 zoning-in-progress, or other mechanism that would prohibit or
1050 delay the filing, receiving, or processing of registrations,
1051 applications, or issuing of permits or other approvals for the
1052 collocation of small wireless facilities or the installation,
1053 modification, or replacement of utility poles used to support
1054 the collocation of small wireless facilities.

1055 ~~(i) A wireless provider shall, in relation to a small~~
1056 ~~wireless facility, utility pole, or wireless support structure~~
1057 ~~in the public rights-of-way, comply with nondiscriminatory~~
1058 ~~undergrounding requirements of an authority that prohibit above-~~
1059 ~~ground structures in public rights-of-way. Any such requirements~~
1060 ~~may be waived by the authority.~~

1061 (8) (a) Any person aggrieved by a violation of this section
1062 may bring a civil action in a United States District Court or in
1063 any other court of competent jurisdiction.

1064 (b) The court may:

1065 1. Grant temporary or permanent injunctions on terms as it
1066 may deem reasonable to prevent or restrain violations of this
1067 section; and

1068 2. Direct the recovery of full costs, including awarding
1069 reasonable attorney fees, to an aggrieved party who prevails.

1070 Section 4. The taxes imposed by s. 202.12, Florida
1071 Statutes, as amended by this act, on communications services
1072 shall be applied to communications services reflected on bills
1073 dated on or after October 1, 2020.

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Section 5. This act shall take effect July 1, 2019.