

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Energy & Utilities
 2 Subcommittee

3 Representative Fischer offered the following:

4

5 **Amendment (with title amendment)**

6 Remove lines 49-304 and insert:

7 Section 2. Paragraph (b) of subsection (2) of section
 8 202.20, Florida Statutes, is amended to read:

9 202.20 Local communications services tax conversion
 10 rates.—

11 (2)

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

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

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

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

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

24 d. Franchise fees on dealers of communications services
25 which use the public roads or rights-of-way, up to the limit set
26 forth in s. 337.401. For purposes of calculating rates under
27 this section, it is the legislative intent that charter counties
28 be treated as having had the same authority as municipalities to
29 impose franchise fees on recurring local telecommunication
30 service revenues prior to July 1, 2000. However, the Legislature
31 recognizes that the authority of charter counties to impose such
32 fees is in dispute, and the treatment provided in this section
33 is not an expression of legislative intent that charter counties
34 actually do or do not possess such authority.

35 e. Actual permit fees relating to placing or maintaining
36 facilities in or on public roads or rights-of-way, collected
37 from providers of long-distance, cable, and mobile
38 communications services for the fiscal year ending September 30,
39 1999; however, if a municipality or charter county elects the
40 option to charge permit fees pursuant to s. 337.401(3)(c)

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41 ~~337.401(3)(c)1.a.~~, such fees shall not be included as a replaced
42 revenue source.

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

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

50 337.401 Use of right-of-way for utilities subject to
51 regulation; permit; fees.—

52 (3) (a) Because of the unique circumstances applicable to
53 providers of communications services, including, but not limited
54 to, the circumstances described in paragraph (e) and the fact
55 that federal and state law require the nondiscriminatory
56 treatment of providers of telecommunications services, and
57 because of the desire to promote competition among providers of
58 communications services, it is the intent of the Legislature
59 that municipalities and counties treat providers of
60 communications services in a nondiscriminatory and competitively
61 neutral manner, taking into account the distinct engineering,
62 construction, operation, maintenance, public works, and safety
63 requirements of the provider's facilities, when imposing rules
64 or regulations governing the placement or maintenance of
65 communications facilities in the public roads or rights-of-way.

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66 Rules or regulations imposed by a municipality or county
67 relating to providers of communications services placing or
68 maintaining communications facilities in its roads or rights-of-
69 way must be generally applicable to all providers of
70 communications services and, notwithstanding any other law, may
71 not require a provider of communications services to apply for
72 or enter into an individual license, franchise, or other
73 agreement with the municipality or county as a condition of
74 placing or maintaining communications facilities in its roads or
75 rights-of-way. In addition to other reasonable rules or
76 regulations that a municipality or county may adopt relating to
77 the placement or maintenance of communications facilities in its
78 roads or rights-of-way under this subsection or subsection (7),
79 a municipality or county may require a provider of
80 communications services that places or seeks to place facilities
81 in its roads or rights-of-way to register with the municipality
82 or county. To register, a provider of communications services
83 only may be required to provide its name and to provide the name
84 of the registrant; the name, address, and telephone number of a
85 contact person for the registrant; the number of the
86 registrant's current certificate of authorization issued by the
87 Florida Public Service Commission, the Federal Communications
88 Commission, or the Department of State; and any required proof
89 of insurance or self-insuring status adequate to defend and
90 cover claims. A municipality or county may not require the

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91 provision of an inventory of communications facilities, maps,
92 locations of such facilities, or other information by a
93 registrant as a condition of registration, renewal, or for any
94 other purpose; provided, however, that a municipality or county
95 may require as part of a permit application that the applicant
96 identify at-grade communications facilities within 25 feet of
97 the proposed installation location for the placement of at-grade
98 communications facilities. A municipality or county may not
99 require registration renewal more frequently than every 5 years.
100 A municipality or county may not require a provider to pay any
101 fee, cost, or other charge for registration or renewal thereof.
102 It is the intent of the Legislature that the placement,
103 operation, maintenance, upgrading, and extension of
104 communications facilities not be unreasonably interrupted or
105 delayed through the permitting or other local regulatory
106 process. Except as provided in this chapter or otherwise
107 expressly authorized by chapter 202, chapter 364, or chapter
108 610, a municipality or county may not adopt or enforce any
109 ordinance, regulation, or requirement as to the placement or
110 operation of communications facilities in a right-of-way by a
111 communications services provider authorized by state or local
112 law to operate in a right-of-way; regulate any communications
113 services; or impose or collect any tax, fee, cost, charge, or
114 exaction for the provision of communications services over the

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115 communications services provider's communications facilities in
116 a right-of-way.

117 (b) Registration described in paragraph (a) does not
118 establish a right to place or maintain, or priority for the
119 placement or maintenance of, a communications facility in roads
120 or rights-of-way of a municipality or county. Each municipality
121 and county retains the authority to regulate and manage
122 municipal and county roads or rights-of-way in exercising its
123 police power, subject to the limitations imposed in this section
124 and chapters 202 and 610. Any rules or regulations adopted by a
125 municipality or county which govern the occupation of its roads
126 or rights-of-way by providers of communications services must be
127 related to the placement or maintenance of facilities in such
128 roads or rights-of-way, must be reasonable and
129 nondiscriminatory, and may include only those matters necessary
130 to manage the roads or rights-of-way of the municipality or
131 county.

132 (c) Any municipality or county that, as of January 1,
133 2019, elected to require permit fees from any provider of
134 communications services that uses or occupy municipal or county
135 road or rights-of-way pursuant to former paragraph (c) or
136 paragraph (j), Florida Statutes 2018, may continue to require
137 and collect such fees. A municipality or county that elected as
138 of such date to require permit fees may elect to forego such
139 fees as provided herein. A municipality or county that elected

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140 as of such date not to require permit fees may not elect to
141 impose permit fees.

142 ~~1. It is the intention of the state to treat all providers~~
143 ~~of communications services that use or occupy municipal or~~
144 ~~charter county roads or rights-of-way for the provision of~~
145 ~~communications services in a nondiscriminatory and competitively~~
146 ~~neutral manner with respect to the payment of permit fees.~~
147 ~~Certain providers of communications services have been granted~~
148 ~~by general law the authority to offset permit fees against~~
149 ~~franchise or other fees while other providers of communications~~
150 ~~services have not been granted this authority. In order to treat~~
151 ~~all providers of communications services in a nondiscriminatory~~
152 ~~and competitively neutral manner with respect to the payment of~~
153 ~~permit fees, each municipality and charter county shall make an~~
154 ~~election under either sub-subparagraph a. or sub-subparagraph b.~~
155 ~~and must inform the Department of Revenue of the election by~~
156 ~~certified mail by July 16, 2001. Such election shall take effect~~
157 ~~October 1, 2001.~~

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

162 ~~subparagraph~~ must be reasonable and commensurate with the direct
163 and actual cost of the regulatory activity, including issuing
164 and processing permits, plan reviews, physical inspection, and

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165 direct administrative costs; must be demonstrable; and must be
166 equitable among users of the roads or rights-of-way. A fee
167 authorized ~~permitted~~ under this paragraph ~~sub-subparagraph~~ may
168 not be offset against the tax imposed under chapter 202;
169 include the costs of roads or rights-of-way acquisition or roads
170 or rights-of-way rental; include any general administrative,
171 management, or maintenance costs of the roads or rights-of-way;
172 or be based on a percentage of the value or costs associated
173 with the work to be performed on the roads or rights-of-way. In
174 an action to recover amounts due for a fee not authorized
175 ~~permitted~~ under this paragraph ~~sub-subparagraph~~, the prevailing
176 party may recover court costs and attorney ~~attorney's~~ fees at
177 trial and on appeal. In addition to the limitations set forth in
178 this section, a fee levied by a municipality or charter county
179 under this paragraph ~~sub-subparagraph~~ may not exceed \$100.
180 However, permit fees may not be imposed with respect to permits
181 that may be required for service drop lines not required to be
182 noticed under s. 556.108(5) ~~s. 556.108(5)(a)2.~~ or for any
183 activity that does not require the physical disturbance of the
184 roads or rights-of-way or does not impair access to or full use
185 of the roads or rights-of-way, including, but not limited to,
186 any emergency repairs of existing facilities, extensions of such
187 facilities for providing communications services to customers,
188 and the placement of micro wireless facilities in accordance
189 with subparagraph (7)(e)3.

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

197 ~~b. Alternatively, the municipality or charter county may~~
198 ~~elect not to require and collect permit fees from any provider~~
199 ~~of communications services that uses or occupies municipal or~~
200 ~~charter county roads or rights-of-way for the provision of~~
201 ~~communications services; however, each municipality or charter~~
202 ~~county that elects to operate under this sub-subparagraph~~
203 ~~retains all authority to establish rules and regulations for~~
204 ~~providers of communications services to use or occupy roads or~~
205 ~~rights-of-way as provided in this section.~~

206 1. If a municipality or charter county elects to not
207 require permit fees ~~operate under this sub-subparagraph,~~ the
208 total rate for the local communications services tax as computed
209 under s. 202.20 for that municipality or charter county may be
210 increased by ordinance or resolution by an amount not to exceed
211 a rate of 0.12 percent. ~~If a municipality or charter county~~
212 ~~elects to increase its rate effective October 1, 2001, the~~
213 ~~municipality or charter county shall inform the department of~~

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214 ~~such increased rate by certified mail postmarked on or before~~
215 ~~July 16, 2001.~~

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

220 ~~2. Each noncharter county shall make an election under~~
221 ~~either sub-subparagraph a. or sub-subparagraph b. and shall~~
222 ~~inform the Department of Revenue of the election by certified~~
223 ~~mail by July 16, 2001. Such election shall take effect October~~
224 ~~1, 2001.~~

225 ~~a. The noncharter county may elect to require and collect~~
226 ~~permit fees from any providers of communications services that~~
227 ~~use or occupy noncharter county roads or rights-of-way. All fees~~
228 ~~permitted under this sub-subparagraph must be reasonable and~~
229 ~~commensurate with the direct and actual cost of the regulatory~~
230 ~~activity, including issuing and processing permits, plan~~
231 ~~reviews, physical inspection, and direct administrative costs;~~
232 ~~must be demonstrable; and must be equitable among users of the~~
233 ~~roads or rights-of-way. A fee permitted under this sub-~~
234 ~~subparagraph may not: be offset against the tax imposed under~~
235 ~~chapter 202; include the costs of roads or rights-of-way~~
236 ~~acquisition or roads or rights-of-way rental; include any~~
237 ~~general administrative, management, or maintenance costs of the~~
238 ~~roads or rights-of-way; or be based on a percentage of the value~~

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239 ~~or costs associated with the work to be performed on the roads~~
240 ~~or rights-of-way. In an action to recover amounts due for a fee~~
241 ~~not permitted under this sub-subparagraph, the prevailing party~~
242 ~~may recover court costs and attorney's fees at trial and on~~
243 ~~appeal. In addition to the limitations set forth in this~~
244 ~~section, a fee levied by a noncharter county under this sub-~~
245 ~~subparagraph may not exceed \$100. However, permit fees may not~~
246 ~~be imposed with respect to permits that may be required for~~
247 ~~service drop lines not required to be noticed under s.~~

248 ~~556.108(5) (a)2. or for any activity that does not require the~~
249 ~~physical disturbance of the roads or rights-of-way or does not~~
250 ~~impair access to or full use of the roads or rights-of-way.~~

251 ~~b. Alternatively, the noncharter county may elect not to~~
252 ~~require and collect permit fees from any provider of~~
253 ~~communications services that uses or occupies noncharter county~~
254 ~~roads or rights-of-way for the provision of communications~~
255 ~~services; however, each noncharter county that elects to operate~~
256 ~~under this sub-subparagraph shall retain all authority to~~
257 ~~establish rules and regulations for providers of communications~~
258 ~~services to use or occupy roads or rights-of-way as provided in~~
259 ~~this section.~~

260 2. ~~If a noncharter county elects to not require permit~~
261 ~~fees operate under this sub-subparagraph, the total rate for the~~
262 ~~local communications services tax as computed under s. 202.20~~
263 ~~for that noncharter county may be increased by ordinance or~~

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264 resolution by an amount not to exceed a rate of 0.24 percent, to
265 replace the revenue the noncharter county would otherwise have
266 received from permit fees for providers of communications
267 services. ~~If a noncharter county elects to increase its rate~~
268 ~~effective October 1, 2001, the noncharter county shall inform~~
269 ~~the department of such increased rate by certified mail~~
270 ~~postmarked on or before July 16, 2001.~~

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

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

279 (d) ~~After January 1, 2001,~~ In addition to any other notice
280 requirements, a municipality must provide to the Secretary of
281 State, at least 10 days prior to consideration on first reading,
282 notice of a proposed ordinance governing a telecommunications
283 company placing or maintaining telecommunications facilities in
284 its roads or rights-of-way. ~~After January 1, 2001,~~ In addition
285 to any other notice requirements, a county must provide to the
286 Secretary of State, at least 15 days prior to consideration at a
287 public hearing, notice of a proposed ordinance governing a
288 telecommunications company placing or maintaining

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289 telecommunications facilities in its roads or rights-of-way. The
290 notice required by this paragraph must be published by the
291 Secretary of State on a designated Internet website. The failure
292 of a municipality or county to provide such notice does not
293 render the ordinance invalid, provided that enforcement of such
294 ordinance must be suspended until the municipality or county
295 provides the required notice and duly considers amendments from
296 affected persons.

297 (e) The authority of municipalities and counties to
298 require franchise fees from providers of communications
299 services, with respect to the provision of communications
300 services, is specifically preempted by the state because of
301 unique circumstances applicable to providers of communications
302 services when compared to other utilities occupying municipal or
303 county roads or rights-of-way. Providers of communications
304 services may provide similar services in a manner that requires
305 the placement of facilities in municipal or county roads or
306 rights-of-way or in a manner that does not require the placement
307 of facilities in such roads or rights-of-way. Although similar
308 communications services may be provided by different means, the
309 state desires to treat providers of communications services in a
310 nondiscriminatory manner and to have the taxes, franchise fees,
311 and other fees, costs, and financial or regulatory exactions
312 paid by or imposed on providers of communications services be
313 competitively neutral. Municipalities and counties retain all

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314 existing authority, if any, to collect franchise fees from users
315 or occupants of municipal or county roads or rights-of-way other
316 than providers of communications services, and the provisions of
317 this subsection shall have no effect upon this authority. The
318 provisions of this subsection do not restrict the authority, if
319 any, of municipalities or counties or other governmental
320 entities to receive reasonable rental fees based on fair market
321 value for the use of public lands and buildings on property
322 outside the public roads or rights-of-way for the placement of
323 communications antennas and towers.

324 (f) Except as expressly allowed or authorized by general
325 law and except for the rights-of-way permit fees subject to
326 paragraph (c), a municipality or county may not levy on a
327 provider of communications services a tax, fee, or other charge
328 or imposition for operating as a provider of communications
329 services within the jurisdiction of the municipality or county
330 which is in any way related to using its roads or rights-of-way.
331 A municipality or county may not require or solicit in-kind
332 compensation, except as otherwise provided in s. 202.24(2)(c)8.
333 or s. 610.109, provided that the in-kind compensation is not a
334 franchise fee under federal law. Nothing in this paragraph shall
335 impair any ordinance or agreement in effect on May 22, 1998, or
336 any voluntary agreement entered into subsequent to that date,
337 which provides for or allows in-kind compensation by a
338 telecommunications company.

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339 (g) A municipality or county may not use its authority
340 over the placement of facilities in its roads and rights-of-way
341 as a basis for asserting or exercising regulatory control over a
342 provider of communications services regarding matters within the
343 exclusive jurisdiction of the Florida Public Service Commission
344 or the Federal Communications Commission, including, but not
345 limited to, the operations, systems, equipment, technology,
346 qualifications, services, service quality, service territory,
347 and prices of a provider of communications services. A
348 municipality or county may not require any permit for the
349 maintenance, repair, replacement, extension, or upgrade of
350 existing aerial wireline communications facilities on utility
351 poles or for aerial wireline facilities between existing
352 wireline communications facility attachments on utility poles by
353 a communications services provider; provided, however, that a
354 municipality or county may require a right-of-way permit for
355 work that involves excavation, closure of a sidewalk, or closure
356 of a vehicular lane, unless the provider is making emergency
357 restoration or repair work to existing facilities. Any permit
358 application required by an authority under this section for the
359 placement of communications facilities must be processed and
360 acted upon consistent with the timeframes provided in
361 subparagraphs (7) (d) 7.-9. In addition, a municipality or county
362 may not require any permit or other approval, fee, charge, or
363 cost, or other exaction for the maintenance, repair,

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364 replacement, extension, or upgrade of existing aerial or
365 underground communications facilities located on private
366 property outside of the public rights-of-way.

367 (h) A provider of communications services that has
368 obtained permission to occupy the roads or rights-of-way of an
369 incorporated municipality pursuant to s. 362.01 or that is
370 otherwise lawfully occupying the roads or rights-of-way of a
371 municipality or county shall not be required to obtain consent
372 to continue such lawful occupation of those roads or rights-of-
373 way; however, nothing in this paragraph shall be interpreted to
374 limit the power of a municipality or county to adopt or enforce
375 reasonable rules or regulations as provided in this section and
376 consistent with chapters 202, 364, and 610. Any such rules or
377 regulations must be in writing, and providers of communications
378 services in the municipality or county must be given at least 60
379 days advance written notice of any changes to the rules and
380 regulations.

381 (i) Except as expressly provided in this section, this
382 section does not modify the authority of municipalities and
383 counties to levy the tax authorized in chapter 202 or the duties
384 of providers of communications services under ss. 337.402-
385 337.404. This section does not apply to building permits, pole
386 attachments, or private roads, private easements, and private
387 rights-of-way.

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388 ~~(j) Pursuant to this paragraph, any county or municipality~~
389 ~~may by ordinance change either its election made on or before~~
390 ~~July 16, 2001, under paragraph (c) or an election made under~~
391 ~~this paragraph.~~

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

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

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

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

419 ~~3.a. Any change of election pursuant to this paragraph and~~
420 ~~any tax rate change resulting from such change of election shall~~
421 ~~be subject to the notice requirements of s. 202.21; however, no~~
422 ~~such change of election shall become effective prior to January~~
423 ~~1, 2003.~~

424 ~~b. Any county or municipality changing its election under~~
425 ~~this paragraph in order to exercise its authority to require and~~
426 ~~collect permit fees shall, in addition to complying with the~~
427 ~~notice requirements under s. 202.21, provide to all dealers~~
428 ~~providing communications services in such jurisdiction written~~
429 ~~notice of such change of election by September 1 immediately~~
430 ~~preceding the January 1 on which such change of election becomes~~
431 ~~effective. For purposes of this sub-subparagraph, dealers~~
432 ~~providing communications services in such jurisdiction shall~~
433 ~~include every dealer reporting tax to such jurisdiction pursuant~~
434 ~~to s. 202.37 on the return required under s. 202.27 to be filed~~
435 ~~on or before the 20th day of May immediately preceding the~~
436 ~~January 1 on which such change of election becomes effective.~~

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

441 (6)

442 (e) This subsection does not alter any provision of this
443 section or s. 202.24 relating to taxes, fees, or other charges
444 or impositions by a municipality or county on a dealer of
445 communications services or authorize that any charges be
446 assessed on a dealer of communications services, except as
447 specifically set forth herein. A municipality or county may not
448 charge a pass-through provider any amounts other than the
449 charges under this subsection as a condition to the placement or
450 maintenance of a communications facility in the roads or rights-
451 of-way of a municipality or county by a pass-through provider,
452 except that a municipality or county may impose permit fees on a
453 pass-through provider consistent with paragraph (3)(c) ~~if the~~
454 ~~municipality or county elects to exercise its authority to~~
455 ~~collect permit fees under paragraph (3)(e).~~

456 (f) The charges under this subsection do not apply to
457 communications facilities placed in a municipality's or county's
458 rights-of-way prior to the effective date of this subsection
459 with permission from the municipality or county, if any was
460 required, except to the extent the facilities of a pass-through
461 provider were subject to per linear foot or mile charges in

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462 effect as of October 1, 2001, in which case the municipality or
463 county may only impose on a pass-through provider charges
464 consistent with paragraph (b) or paragraph (c) for such
465 facilities. Notwithstanding the foregoing, this subsection does
466 not impair any written agreement between a pass-through provider
467 and a municipality or county imposing per linear foot or mile
468 charges for communications facilities placed in municipal or
469 county roads or rights-of-way that is in effect prior to the
470 effective date of this subsection. Upon the termination or
471 expiration of any such written agreement, any charges imposed
472 ~~must shall~~ be consistent with this section ~~paragraph (b) or~~
473 ~~paragraph (c). Notwithstanding the foregoing, until October 1,~~
474 ~~2005, this subsection shall not affect a municipality or county~~
475 ~~continuing to impose charges in excess of the charges authorized~~
476 ~~in this subsection on facilities of a pass-through provider that~~
477 ~~is not a dealer of communications services in the state under~~
478 ~~chapter 202, but only to the extent such charges were imposed by~~
479 ~~municipal or county ordinance or resolution adopted prior to~~
480 ~~February 1, 2002. Effective October 1, 2005, any charges imposed~~
481 ~~shall be consistent with paragraph (b) or paragraph (c).~~

482 (7)

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

484 1. "Antenna" means communications equipment that transmits
485 or receives electromagnetic radio frequency signals used in
486 providing wireless services.

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487 2. "Applicable codes" means uniform building, fire,
488 electrical, plumbing, or mechanical codes adopted by a
489 recognized national code organization or local amendments to
490 those codes enacted solely to address threats of destruction of
491 property or injury to persons, ~~or local codes or ordinances~~
492 ~~adopted to implement this subsection. The term includes~~
493 ~~objective design standards adopted by ordinance that may require~~
494 ~~a new utility pole that replaces an existing utility pole to be~~
495 ~~of substantially similar design, material, and color or that may~~
496 ~~require reasonable spacing requirements concerning the location~~
497 ~~of ground-mounted equipment. The term includes objective design~~
498 ~~standards adopted by ordinance that may require a small wireless~~
499 ~~facility to meet reasonable location context, color, stealth,~~
500 ~~and concealment requirements; however, such design standards may~~
501 ~~be waived by the authority upon a showing that the design~~
502 ~~standards are not reasonably compatible for the particular~~
503 ~~location of a small wireless facility or that the design~~
504 ~~standards impose an excessive expense. The waiver shall be~~
505 ~~granted or denied within 45 days after the date of the request.~~

506 3. "Applicant" means a person who submits an application
507 and is a wireless provider.

508 4. "Application" means a request submitted by an applicant
509 to an authority for a permit to collocate small wireless
510 facilities or to place a new utility pole used to support a
511 small wireless facility.

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512 5. "Authority" means a county or municipality having
513 jurisdiction and control of the rights-of-way of any public
514 road. The term does not include the Department of
515 Transportation. Rights-of-way under the jurisdiction and control
516 of the department are excluded from this subsection.

517 6. "Authority utility pole" means a utility pole owned by
518 an authority in the right-of-way. The term does not include a
519 utility pole owned by a municipal electric utility, a utility
520 pole used to support municipally owned or operated electric
521 distribution facilities, or a utility pole located in the right-
522 of-way within:

523 a. A retirement community that:

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

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

527 (III) Has underground utilities for electric transmission
528 or distribution.

529 b. A municipality that:

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

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

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

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

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537 7. "Collocate" or "collocation" means to install, mount,
538 maintain, modify, operate, or replace one or more wireless
539 facilities on, under, within, or adjacent to a wireless support
540 structure or utility pole. The term does not include the
541 installation of a new utility pole or wireless support structure
542 in the public rights-of-way.

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

544 9. "Micro wireless facility" means a small wireless
545 facility having dimensions no larger than 24 inches in length,
546 15 inches in width, and 12 inches in height and an exterior
547 antenna, if any, no longer than 11 inches.

548 10. "Small wireless facility" means a wireless facility
549 that meets the following qualifications:

550 a. Each antenna associated with the facility is located
551 inside an enclosure of no more than 6 cubic feet in volume or,
552 in the case of antennas that have exposed elements, each antenna
553 and all of its exposed elements could fit within an enclosure of
554 no more than 6 cubic feet in volume; and

555 b. All other wireless equipment associated with the
556 facility is cumulatively no more than 28 cubic feet in volume.
557 The following types of associated ancillary equipment are not
558 included in the calculation of equipment volume: electric
559 meters, concealment elements, telecommunications demarcation
560 boxes, ground-based enclosures, grounding equipment, power
561 transfer switches, cutoff switches, vertical cable runs for the

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562 connection of power and other services, and utility poles or
563 other support structures.

564 11. "Utility pole" means a pole or similar structure that
565 is used in whole or in part to provide communications services
566 or for electric distribution, lighting, traffic control,
567 signage, or a similar function. The term includes the vertical
568 support structure for traffic lights but does not include a
569 horizontal structure to which signal lights or other traffic
570 control devices are attached and does not include a pole or
571 similar structure 15 feet in height or less unless an authority
572 grants a waiver for such pole.

573 12. "Wireless facility" means equipment at a fixed
574 location which enables wireless communications between user
575 equipment and a communications network, including radio
576 transceivers, antennas, wires, coaxial or fiber-optic cable or
577 other cables, regular and backup power supplies, and comparable
578 equipment, regardless of technological configuration, and
579 equipment associated with wireless communications. The term
580 includes small wireless facilities. The term does not include:

- 581 a. The structure or improvements on, under, within, or
582 adjacent to the structure on which the equipment is collocated;
583 b. Wireline backhaul facilities; or
584 c. Coaxial or fiber-optic cable that is between wireless
585 structures or utility poles or that is otherwise not immediately
586 adjacent to or directly associated with a particular antenna.

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587 13. "Wireless infrastructure provider" means a person who
588 has been certificated under chapter 364 to provide
589 telecommunications service ~~in the state~~ or under chapter 610 to
590 provide cable or video services in this state, or that person's
591 affiliate, and who builds or installs wireless communication
592 transmission equipment, wireless facilities, or wireless support
593 structures but is not a wireless services provider.

594 14. "Wireless provider" means a wireless infrastructure
595 provider or a wireless services provider.

596 15. "Wireless services" means any services provided using
597 licensed or unlicensed spectrum, whether at a fixed location or
598 mobile, using wireless facilities.

599 16. "Wireless services provider" means a person who
600 provides wireless services.

601 17. "Wireless support structure" means a freestanding
602 structure, such as a monopole, a guyed or self-supporting tower,
603 or another existing or proposed structure designed to support or
604 capable of supporting wireless facilities. The term does not
605 include a utility pole, pedestal, or other support structure for
606 ground-based equipment not mounted on a utility pole and less
607 than 10 feet in height.

608 (c) Except as provided in this subsection, an authority
609 may not prohibit, regulate, or charge for the collocation of
610 small wireless facilities in the public rights-of-way or for the
611 installation, maintenance, modification, operation, or

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612 replacement of utility poles used for the collocation of small
613 wireless facilities in the public rights-of-way.

614 (d) An authority may require a registration process and
615 permit fees in accordance with subsection (3). An authority
616 shall accept applications for permits and shall process and
617 issue permits subject to the following requirements:

618 1. An authority may not directly or indirectly require an
619 applicant to perform services unrelated to the collocation for
620 which approval is sought, such as in-kind contributions to the
621 authority, including reserving fiber, conduit, or pole space for
622 the authority.

623 2. An applicant may not be required to provide more
624 information to obtain a permit than is necessary to demonstrate
625 the applicant's compliance with applicable codes for the
626 placement of small wireless facilities in the locations
627 identified in the application. An applicant may not be required
628 to provide inventories, maps, or locations of communications
629 facilities in the right-of-way other than as necessary to avoid
630 interference with other at-grade facilities located at the
631 specific location proposed for a small wireless facility or
632 within 25 feet of such location.

633 3. An authority may not:

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

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636 b. Require the placement of multiple antenna systems on a
637 single utility pole;

638 c. Require a demonstration that collocation of a small
639 wireless facility on an existing structure is not legally or
640 technically possible as a condition for granting a permit for
641 the collocation of a small wireless facility on a new utility
642 pole;

643 d. Require compliance with an authority's provisions
644 regarding placement of small wireless facilities or a new
645 utility pole used to support a small wireless facility in
646 rights-of-way under the control of the department unless the
647 authority has received a delegation from the department for the
648 location of the small wireless facility or utility pole, or
649 require such compliance as a condition to receive a permit that
650 is ancillary to the permit for collocation of a small wireless
651 facility, including an electrical permit;

652 e. Require a meeting before filing an application;

653 f. Require direct or indirect public notification or a
654 public meeting for the placement of communication facilities in
655 the right-of-way;

656 g. Limit the size or configuration of a small wireless
657 facility or any of its components, if the small wireless
658 facility complies with the size limits in this subsection;

659 h. Prohibit the installation of a new utility pole used to
660 support the collocation of a small wireless facility if the

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661 installation otherwise meets the requirements of this
662 subsection;

663 i. Require that any component of a small wireless facility
664 be placed underground; or

665 j. Require that any existing communication facility be
666 placed underground, except as provided in ss. 337.403 and
667 337.404.

668 4. Subject to sub-subparagraph (f)6.b., an authority may
669 not limit the placement, by minimum separation distances, of
670 small wireless facilities, utility poles on which small wireless
671 facilities are or will be collocated, or other at-grade
672 communications facilities by minimum separation distances.

673 However, within 14 days after the date of filing the
674 application, an authority may request that the proposed location
675 of a small wireless facility be moved to another location in the
676 right-of-way and placed on an alternative authority utility pole
677 or support structure or placed on ~~may place~~ a new utility pole.
678 The authority and the applicant may negotiate the alternative
679 location, including any objective design standards and
680 reasonable spacing requirements for ground-based equipment, for
681 30 days after the date of the request. At the conclusion of the
682 negotiation period, if the alternative location is accepted by
683 the applicant, the applicant must notify the authority of such
684 acceptance and the application shall be deemed granted for any
685 new location for which there is agreement and all other

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686 locations in the application. If an agreement is not reached,
687 the applicant must notify the authority of such nonagreement and
688 the authority must grant or deny the original application within
689 90 days after the date the application was filed. A request for
690 an alternative location, an acceptance of an alternative
691 location, or a rejection of an alternative location must be in
692 writing and provided by electronic mail.

693 5. An authority shall limit the height of a small wireless
694 facility to 10 feet above the utility pole or structure upon
695 which the small wireless facility is to be collocated. Unless
696 waived by an authority, the height for a new utility pole is
697 limited to the tallest existing utility pole as of July 1, 2017,
698 located in the same right-of-way, other than a utility pole for
699 which a waiver has previously been granted, measured from grade
700 in place within 500 feet of the proposed location of the small
701 wireless facility. If there is no utility pole within 500 feet,
702 the authority shall limit the height of the utility pole to 50
703 feet.

704 6. ~~Except as provided in subparagraphs 4. and 5.,~~ The
705 installation by a communications services provider of a utility
706 pole in the public rights-of-way, other than a utility pole used
707 ~~designed~~ to support a small wireless facility, is ~~shall be~~
708 subject to authority rules or regulations governing the
709 placement of utility poles in the public rights-of-way and is

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710 shall be subject to the application review timeframes in this
711 subsection.

712 7. Within 14 days after receiving an application, an
713 authority must determine and notify the applicant by electronic
714 mail as to whether the application is complete. If an
715 application is deemed incomplete, the authority must
716 specifically identify the missing information. An application is
717 deemed complete if the authority fails to provide notification
718 to the applicant within 14 days.

719 8. An application must be processed on a nondiscriminatory
720 basis. A complete application is deemed approved if an authority
721 fails to approve or deny the application within 60 days after
722 receipt of the application. If an authority does not use the 30-
723 day negotiation period provided in subparagraph 4., the parties
724 may mutually agree to extend the 60-day application review
725 period. The authority shall grant or deny the application at the
726 end of the extended period. A permit issued pursuant to an
727 approved application shall remain effective for 1 year unless
728 extended by the authority.

729 9. An authority must notify the applicant of approval or
730 denial by electronic mail. An authority shall approve a complete
731 application unless it does not meet the authority's applicable
732 codes. If the application is denied, the authority must specify
733 in writing the basis for denial, including the specific code
734 provisions on which the denial was based, and send the

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735 documentation to the applicant by electronic mail on the day the
736 authority denies the application. The applicant may cure the
737 deficiencies identified by the authority and resubmit the
738 application within 30 days after notice of the denial is sent to
739 the applicant. The authority shall approve or deny the revised
740 application within 30 days after receipt or the application is
741 deemed approved. The review of a revised application is ~~Any~~
742 ~~subsequent review shall be~~ limited to the deficiencies cited in
743 the denial. The availability of any subsequent review by the
744 authority does not bar review of a denial in a court of
745 competent jurisdiction.

746 10. An applicant seeking to collocate small wireless
747 facilities within the jurisdiction of a single authority may, at
748 the applicant's discretion, file a consolidated application and
749 receive a single permit for the collocation of up to 30 small
750 wireless facilities. If the application includes multiple small
751 wireless facilities, an authority may separately address small
752 wireless facility collocations for which incomplete information
753 has been received or which are denied.

754 11. An authority may deny a proposed collocation of a
755 small wireless facility in the public rights-of-way if the
756 proposed collocation:

757 a. Materially interferes with the safe operation of
758 traffic control equipment.

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

761 c. Materially interferes with compliance with the
762 Americans with Disabilities Act or similar federal or state
763 standards regarding pedestrian access or movement.

764 d. Materially fails to comply with the 2010 edition of the
765 Florida Department of Transportation Utility Accommodation
766 Manual.

767 e. Fails to comply with applicable codes.

768 f. Fails to comply with objective design standards
769 authorized under subparagraph (f) 6.

770 12. An authority may adopt by ordinance provisions for
771 insurance coverage, indemnification, ~~performance bonds, security~~
772 ~~funds~~, force majeure, abandonment, authority liability, or
773 authority warranties. Such provisions must be reasonable and
774 nondiscriminatory. An authority may require a construction bond
775 to secure restoration of the postconstruction rights-of-way to
776 its preconstruction condition. However, such bond must be time-
777 limited to no more than 1 year after the construction to which
778 the bond applies is completed. For any financial obligation
779 required by an authority allowed under this section, the
780 authority shall accept a letter of credit or similar financial
781 instrument issued by any financial institution that is
782 authorized to do business within the United States, provided
783 that a claim against the financial instrument may be made by

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784 electronic means, including by facsimile. A provider of
785 communications services may add an authority to any existing
786 bond, insurance policy, or other relevant financial instrument,
787 and the authority must accept such proof of coverage without any
788 conditions. An authority may not require a communications
789 services provider to indemnify it for liabilities not caused by
790 the provider, including liabilities arising from the authority's
791 negligence, gross negligence, or willful conduct.

792 13. Collocation of a small wireless facility on an
793 authority utility pole does not provide the basis for the
794 imposition of an ad valorem tax on the authority utility pole.

795 14. An authority may reserve space on authority utility
796 poles for future public safety uses. However, a reservation of
797 space may not preclude collocation of a small wireless facility.
798 If replacement of the authority utility pole is necessary to
799 accommodate the collocation of the small wireless facility and
800 the future public safety use, the pole replacement is subject to
801 make-ready provisions and the replaced pole shall accommodate
802 the future public safety use.

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

806 (e) An authority may not require any permit or other
807 approval or require fees, or other charges, costs, or other
808 exactions for:

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809 1. Routine maintenance or repair work, including, but not
810 limited to, emergency repairs of existing facilities, or
811 extensions of such facilities, for providing communications
812 services to customers;

813 2. Replacement of existing wireless facilities with
814 wireless facilities that are substantially similar or of the
815 same or smaller size; or

816 3. Installation, placement, maintenance, or replacement of
817 micro wireless facilities that are suspended on cables strung
818 between existing utility poles in compliance with applicable
819 codes by or for a communications services provider authorized to
820 occupy the rights-of-way and who is remitting taxes under
821 chapter 202. An authority may require an initial letter from or
822 on behalf of such provider, which is effective upon filing,
823 attesting that the micro wireless facility dimensions comply
824 with the limits of this subsection. The authority may not
825 require any additional filing or other information as long as
826 the provider is deploying the same, a substantially similar, or
827 a smaller size micro wireless facility equipment.

828
829 Notwithstanding this paragraph, an authority may require a
830 right-of-way permit for work that involves excavation, closure
831 of a sidewalk, or closure of a vehicular lane unless the
832 provider is making emergency restoration or repair work to
833 existing facilities.

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

836 1. An authority may not enter into an exclusive
837 arrangement with any person for the right to attach equipment to
838 authority utility poles.

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

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

844 4. Agreements between authorities and wireless providers
845 that are in effect on July 1, 2017, and that relate to the
846 collocation of small wireless facilities in the right-of-way,
847 including the collocation of small wireless facilities on
848 authority utility poles, remain in effect, subject to applicable
849 termination provisions. The wireless provider may accept the
850 rates, fees, and terms established under this subsection for
851 small wireless facilities and utility poles that are the subject
852 of an application submitted after the rates, fees, and terms
853 become effective.

854 5. A person owning or controlling an authority utility
855 pole shall offer rates, fees, and other terms that comply with
856 this subsection. By the later of January 1, 2018, or 3 months
857 after receiving a request to collocate its first small wireless
858 facility on a utility pole owned or controlled by an authority,

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859 the person owning or controlling the authority utility pole
860 shall make available, through ordinance or otherwise, rates,
861 fees, and terms for the collocation of small wireless facilities
862 on the authority utility pole which comply with this subsection.

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

865 b. For an authority utility pole that supports an aerial
866 facility used to provide communications services or electric
867 service, the parties shall comply with the process for make-
868 ready work under 47 U.S.C. s. 224 and implementing regulations.
869 The good faith estimate of the person owning or controlling the
870 pole for any make-ready work necessary to enable the pole to
871 support the requested collocation must include pole replacement
872 if necessary.

873 c. For an authority utility pole that does not support an
874 aerial facility used to provide communications services or
875 electric service, the authority shall provide a good faith
876 estimate for any make-ready work necessary to enable the pole to
877 support the requested collocation, including necessary pole
878 replacement, within 60 days after receipt of a complete
879 application. Make-ready work, including any pole replacement,
880 must be completed within 60 days after written acceptance of the
881 good faith estimate by the applicant. Alternatively, an
882 authority may require the applicant seeking to collocate a small
883 wireless facility to provide a make-ready estimate at the

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884 applicant's expense for the work necessary to support the small
885 wireless facility, including pole replacement, and perform the
886 make-ready work. If pole replacement is required, the scope of
887 the make-ready estimate is limited to the design, fabrication,
888 and installation of a utility pole that is substantially similar
889 in color and composition. The authority may not condition or
890 restrict the manner in which the applicant obtains, develops, or
891 provides the estimate or conducts the make-ready work subject to
892 usual construction restoration standards for work in the right-
893 of-way. The replaced or altered utility pole shall remain the
894 property of the authority.

895 d. An authority may not require more make-ready work than
896 is required to meet applicable codes or industry standards. Fees
897 for make-ready work may not include costs related to preexisting
898 damage or prior noncompliance. Fees for make-ready work,
899 including any pole replacement, may not exceed actual costs or
900 the amount charged to communications services providers other
901 than wireless services providers for similar work and may not
902 include any consultant fee or expense.

903 6. An authority may require wireless providers to comply
904 with objective design standards adopted by ordinance. The
905 ordinance may require:

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

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908 b. Reasonable spacing requirements concerning the location
909 of a ground-mounted component of a small wireless facility which
910 does not exceed 15 feet from the associated support structure;
911 or

912 c. A small wireless facility to meet reasonable location
913 context, color, camouflage, and concealment requirements,
914 subject to the limitations in this subsection.

915
916 Such design standards under this subparagraph may be waived by
917 the authority upon a showing that the design standards are not
918 reasonably compatible for the particular location of a small
919 wireless facility or are technically infeasible or that the
920 design standards impose an excessive expense. The waiver must be
921 granted or denied within 45 days after the date of the request.

922 (g) For any applications filed before the effective date
923 of ordinances implementing this subsection, an authority may
924 apply current ordinances relating to placement of communications
925 facilities in the right-of-way related to registration,
926 permitting, insurance coverage, indemnification, ~~performance~~
927 ~~bonds, security funds,~~ force majeure, abandonment, authority
928 liability, or authority warranties. Permit application
929 requirements and small wireless facility placement requirements,
930 including utility pole height limits, that conflict with this
931 subsection ~~shall~~ must be waived by the authority. An authority
932 may not institute, either expressly or de facto, a moratorium,

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933 zoning-in-progress, or other mechanism that would prohibit or
934 delay the filing, receiving, or processing of registrations,
935 applications, or issuing of permits or other approvals for the
936 collocation of small wireless facilities or the installation,
937 modification, or replacement of utility poles used to support
938 the collocation of small wireless facilities.

939 ~~(i) A wireless provider shall, in relation to a small~~
940 ~~wireless facility, utility pole, or wireless support structure~~
941 ~~in the public rights-of-way, comply with nondiscriminatory~~
942 ~~undergrounding requirements of an authority that prohibit above-~~
943 ~~ground structures in public rights-of-way. Any such requirements~~
944 ~~may be waived by the authority.~~

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

948 (b) The court may:

949 1. Grant temporary or permanent injunctions on terms as it
950 may deem reasonable to prevent or restrain violations of this
951 section; and

952 2. Direct the recovery of full costs, including awarding
953 reasonable attorney fees, to the party who prevails.

954
955 -----

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

957 Remove lines 3-11 and insert:

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958 s. 202.12, F.S.; reducing the rates of certain communications
959 services taxes; amending s. 202.20, F.S.; conforming a cross-
960 reference; amending s. 337.401, F.S.; revising legislative
961 intent; specifying limitations and prohibitions on
962 municipalities and counties relating to registrations and
963 renewals of communications services providers; authorizing
964 municipalities and counties to require certain information as
965 part of a permit application; prohibiting municipalities and
966 counties from requiring a payment of fees, costs, or charges for
967 provider registration or renewal; prohibiting municipalities and
968 counties from adopting or enforcing certain ordinances,
969 regulations, or requirements; specifying limitations on
970 municipal and county authority to regulate and manage municipal
971 and county roads or rights-of-way; prohibiting certain
972 municipalities and counties from electing to impose permit fees;
973 providing retroactive applicability; authorizing certain
974 municipalities and counties to continue to require and collect
975 such fees; deleting obsolete provisions; specifying activities
976 for which permit fees may not be imposed; deleting certain
977 provisions relating to municipality, charter county, and
978 noncharter county elections to impose, or not to impose, permit
979 fees; requiring that enforcement of certain ordinances must be
980 suspended until certain conditions are met; revising legislative
981 intent relating to the imposition of certain fees, costs, and
982 exactions on providers; specifying a condition for certain in-

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983 kind compensation; specifying prohibited acts by municipalities
984 and counties in the use of their authority over the placement of
985 facilities for certain purposes; authorizing municipalities and
986 counties to require a right-of-way permit for certain purposes;
987 providing requirements for processing certain permit
988 applications; prohibiting municipalities and counties from
989 certain actions relating to certain aerial or underground
990 communications facilities; specifying limitations and
991 requirements for certain municipal and county rules and
992 regulations; revising definitions under the Advanced Wireless
993 Infrastructure Deployment Act; prohibiting certain actions by an
994 authority relating to certain utility poles; prohibiting
995 authorities from requiring permit applicants to provide certain
996 information, except under certain circumstances; adding
997 prohibited acts by authorities relating to small wireless
998 facilities, application requirements, public notification and
999 public meetings, and the placement of certain facilities;
1000 revising applicability of authority rules and regulations
1001 governing the placement of utility poles in the public rights-
1002 of-way; providing construction relating to judicial review of
1003 certain application denials; adding grounds for an authority's
1004 denial of a proposed collocation of a small wireless facility in
1005 the public rights-of-way; deleting an authority's authorization
1006 to adopt ordinances for performance bonds and security funds;
1007 authorizing an authority to require a construction bond, subject

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1008 to certain conditions; requiring authorities to accept certain
1009 financial instruments for certain financial obligations;
1010 authorizing providers to add authorities to certain financial
1011 instruments; prohibiting an authority from requiring a provider
1012 to indemnify the authority for certain liabilities; prohibiting
1013 an authority from requiring a permit, approval, fees, charges,
1014 costs, or exactions for certain activities; authorizing and
1015 limiting filings the authority may require relating to micro
1016 wireless facility equipment; providing an exception to a
1017 provision authorizing an authority to require a certain right-
1018 of-way permit; authorizing authorities to require wireless
1019 providers to comply with certain objective design standards
1020 adopted by ordinance; authorizing the authority to waive such
1021 design standards under certain circumstances; providing a
1022 requirement for the waiver; revising an authority's
1023 authorization to apply certain ordinances to applications filed
1024 before a certain timeframe; prohibiting authorities from certain
1025 actions relating to registrations, applications, permits, and
1026 approvals in relation to small wireless facilities; deleting a
1027 requirement for wireless providers to comply with certain
1028 undergrounding requirements; authorizing a civil action for
1029 violations; authorizing actions a court may take; providing
1030 applicability;