

By Senator Torres

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1                   A bill to be entitled  
2           An act relating to preemption to the state; amending  
3           s. 106.08, F.S.; removing provisions which preempt  
4           counties, municipalities, and other local governmental  
5           entities from enacting or adopting any limitation or  
6           restriction involving certain contributions and  
7           expenditures, or establishing contribution limits  
8           different than those established in the Florida  
9           Election Code; amending s. 125.0103, F.S.; removing  
10          provisions which require local governmental measures  
11          imposing rent controls to expire within a specified  
12          time period unless such measures are extended or  
13          renewed in accordance with law; amending s. 125.01055,  
14          F.S.; removing provisions which require counties to  
15          provide incentives to fully offset costs of certain  
16          affordable housing contributions or linkage fees;  
17          amending s. 125.421, F.S.; removing provisions which  
18          require counties and entities of local government to  
19          pay ad valorem taxes or fees under specified  
20          conditions on certain telecommunications facilities;  
21          removing a waiver of immunity on taxation of property  
22          for counties or entities of local government under  
23          such circumstances; repealing s. 163.045, F.S.,  
24          relating to the pruning, trimming, or removal of trees  
25          on residential property; repealing 163.211, F.S.,  
26          relating to licensing of occupations preempted to the  
27          state; amending s. 163.31801, F.S.; removing  
28          limitations on impact fee increases; repealing s.  
29          163.3205, F.S., relating to a solar facility approval

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30 process; amending s. 166.04151, F.S.; removing  
31 provisions which require municipalities to provide  
32 incentives to fully offset costs of certain affordable  
33 housing contributions or linkage fees; amending s.  
34 166.043, F.S.; removing provisions which require local  
35 governmental measures that impose rent controls to  
36 expire within a specified time period unless such  
37 measures are extended or renewed in accordance with  
38 law; amending s. 166.047, F.S.; removing provisions  
39 which require municipalities and other entities of  
40 local government to pay ad valorem taxes or fees under  
41 specified conditions on certain telecommunications  
42 facilities; amending s. 166.241, F.S.; removing  
43 provisions authorizing specified elected officials to  
44 file an appeal to the Administration Commission if the  
45 governing body of a municipality makes a specified  
46 reduction to the operating budget of the municipal law  
47 enforcement agency; removing provisions requiring the  
48 petition to contain specified information; removing  
49 provisions requiring the Executive Office of the  
50 Governor to conduct a budget hearing to consider the  
51 matter and make findings and recommendations to the  
52 Administration Commission; removing provisions  
53 requiring the commission to approve, amend, or modify  
54 the municipality's budget; amending ss. 196.012,  
55 199.183, and 212.08, F.S.; removing provisions that  
56 prohibit certain property and use of two-way  
57 telecommunications services under specified  
58 circumstances from receiving certain tax exemptions;

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59           repealing s. 218.077, F.S., relating to wage and  
60           employment benefits requirements by political  
61           subdivisions and restrictions thereon; amending s.  
62           252.35, F.S.; removing limitations on the timeframe  
63           for delegation of certain authorities by the Division  
64           of Emergency Management; amending s. 252.38, F.S.;  
65           removing requirements for the purpose and scope of  
66           emergency orders; removing provisions on the automatic  
67           expiration of emergency orders; removing provisions  
68           authorizing the extension of emergency orders by a  
69           majority vote of a governing body for a specified  
70           duration; removing provisions authorizing the Governor  
71           to invalidate certain emergency orders; removing  
72           prohibitions on the issuance of certain emergency  
73           orders; amending s. 252.46, F.S.; removing provisions  
74           that a failure by a political subdivision to file  
75           certain orders and rules with specified entities  
76           within a specified timeframe voids the issued orders  
77           or rules; repealing 311.25, F.S., relating to Florida  
78           seaports and local ballot initiatives and referendums;  
79           amending 331.502, F.S.; conforming a provision to  
80           changes made by the act; amending s. 337.401, F.S.;  
81           removing certain communications services lines as  
82           items over which certain governmental entities are  
83           authorized to prescribe and enforce reasonable rules  
84           and regulations; removing time restrictions placed  
85           upon certain counties and municipalities for  
86           processing certain permit applications; removing  
87           limitations and prohibitions on municipalities and

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88 counties relating to registrations and renewals of  
89 communications services providers; removing provisions  
90 that authorize municipalities and counties to require  
91 certain information as part of a registration;  
92 removing provisions that prohibit municipalities and  
93 counties from requiring a payment of fees, costs, or  
94 charges for provider registration or renewal; removing  
95 prohibitions against municipalities and counties  
96 adopting or enforcing certain ordinances, rules, or  
97 requirements; removing limitations on municipal and  
98 county authority to regulate and manage municipal and  
99 county roads or rights-of-way; removing provisions  
100 that prohibit certain municipalities and counties from  
101 imposing permit fees; removing provisions that specify  
102 activities for which permit fees may not be imposed;  
103 removing a requirement that enforcement of certain  
104 ordinances be suspended until certain conditions are  
105 met; removing a condition for certain in-kind  
106 compensation; revising items over which municipalities  
107 and counties may exercise regulatory control; removing  
108 provisions for requirements relating to right-of-way  
109 permits; removing provisions relating to municipal and  
110 county authority over pass-through providers; removing  
111 references to, and administration and provisions of,  
112 the Advanced Wireless Infrastructure Deployment Act;  
113 removing a provision authorizing a civil action for  
114 specified violations; removing authorizations for a  
115 court to take certain actions; removing provisions  
116 requiring that work in certain authority rights-of-way

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117       comply with a specified document; amending s. 350.81,  
118       F.S.; removing procedures that must be followed by  
119       governmental entities before providing communications  
120       services; removing provisions relating to the use of  
121       certain revenues to issue bonds to finance  
122       communications services; removing provisions which  
123       provide certain procedures if revenues do not exceed  
124       operating costs after a specified time period;  
125       removing exemptions of certain governmental entities  
126       from certain requirements relating to  
127       telecommunications services; removing a provision  
128       specifying that certain airport authorities or other  
129       governmental entities are not exempt from certain  
130       procedural requirements relating to telecommunications  
131       services; repealing s. 366.032, F.S., relating to  
132       preemption over utility service restrictions;  
133       repealing s. 377.707, F.S., relating to express  
134       preemption of fuel retailers and related  
135       transportation infrastructure; amending s. 403.412,  
136       F.S.; removing prohibitions against local governments  
137       recognizing or granting certain legal rights to the  
138       natural environment or granting such rights relating  
139       to the natural environment to a person or political  
140       subdivision; amending s. 403.7033, F.S.; removing the  
141       prohibition against local laws relating to the  
142       regulation of auxiliary containers, wrappings, and  
143       disposable plastic bags; amending ss. 489.117,  
144       489.1455, and 489.5335, F.S.; conforming provisions to  
145       changes made by the act; amending s. 499.002, F.S.;

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146 removing a provision that preempts the regulation of  
147 over-the-counter proprietary drugs and cosmetics to  
148 the state; repealing s. 500.90, F.S., relating to the  
149 preemption of local laws relating to the use or sale  
150 of polystyrene products to the Department of  
151 Agriculture and Consumer Services; amending s.  
152 790.251, F.S.; conforming a provision to changes made  
153 by the act; repealing s. 569.0025, F.S., relating to  
154 preemption of the regulation of tobacco products to  
155 the state; repealing s. 569.315, F.S., relating to  
156 preemption of the regulation of nicotine products to  
157 the state; repealing s. 790.33, F.S., relating to the  
158 preemption of the field of regulation of firearms and  
159 ammunition to the Legislature, to the exclusion of  
160 local jurisdictions; amending s. 570.07, F.S.;

161 removing provisions relating to the preemption of the  
162 regulation of fertilizer to the state; repealing ch.  
163 908, F.S, consisting of ss. 908.101, 908.102, 908.103,  
164 908.104, 908.105, 908.106, 908.107, 908.108, and  
165 908.109, F.S., relating to legislative findings and  
166 intent, definitions, a prohibition on sanctuary  
167 policies, cooperation with federal immigration  
168 authorities, duties relating to immigration detainers,  
169 reimbursement of costs, enforcement, education  
170 records, and a prohibition on discrimination,  
171 respectively; providing a contingent effective date.

172

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

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175 Section 1. Subsection (11) of section 106.08, Florida  
176 Statutes, is amended to read:

177 106.08 Contributions; limitations on.-

178 ~~(11) (a) A county, a municipality, or any other local~~  
179 ~~governmental entity is expressly preempted from enacting or~~  
180 ~~adopting:~~

181 ~~1. Contribution limits that differ from the limitations~~  
182 ~~established in subsection (1);~~

183 ~~2. Any limitation or restriction involving contributions to~~  
184 ~~a political committee or an electioneering communications~~  
185 ~~organization; or~~

186 ~~3. Any limitation or restriction on expenditures for an~~  
187 ~~electioneering communication or an independent expenditure.~~

188 ~~(b) Any existing or future limitation or restriction~~  
189 ~~enacted or adopted by a county, a municipality, or any other~~  
190 ~~local governmental entity which is in conflict with this~~  
191 ~~subsection is void.~~

192 Section 2. Subsection (3) and present subsection (6) of  
193 section 125.0103, Florida Statutes, are amended to read:

194 125.0103 Ordinances and rules imposing price controls;  
195 findings required; procedures.-

196 ~~(3) Any law, ordinance, rule, or other measure which has~~  
197 ~~the effect of imposing controls on rents shall terminate and~~  
198 ~~expire within 1 year and shall not be extended or renewed except~~  
199 ~~by the adoption of a new measure meeting all the requirements of~~  
200 ~~this section.~~

201 (5) ~~(6)~~ In any court action brought to challenge the  
202 validity of rent control imposed pursuant to the provisions of  
203 this section, the evidentiary effect of any findings or

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204 recitations required by subsection (4) ~~(5)~~ shall be limited to  
205 imposing upon any party challenging the validity of such measure  
206 the burden of going forward with the evidence, and the burden of  
207 proof (that is, the risk of nonpersuasion) shall rest upon any  
208 party seeking to have the measure upheld.

209 Section 3. Subsection (4) of section 125.01055, Florida  
210 Statutes, is amended to read:

211 125.01055 Affordable housing.—

212 ~~(4) In exchange for a developer fulfilling the requirements~~  
213 ~~of subsection (2) or, for residential or mixed-use residential~~  
214 ~~development, the requirements of subsection (3), a county must~~  
215 ~~provide incentives to fully offset all costs to the developer of~~  
216 ~~its affordable housing contribution or linkage fee. Such~~  
217 ~~incentives may include, but are not limited to:~~

218 ~~(a) Allowing the developer density or intensity bonus~~  
219 ~~incentives or more floor space than allowed under the current or~~  
220 ~~proposed future land use designation or zoning;~~

221 ~~(b) Reducing or waiving fees, such as impact fees or water~~  
222 ~~and sewer charges; or~~

223 ~~(c) Granting other incentives.~~

224 Section 4. Section 125.421, Florida Statutes, is amended to  
225 read:

226 125.421 Telecommunications services.—A telecommunications  
227 company that is a county or other entity of local government may  
228 obtain or hold a certificate required by chapter 364, and the  
229 obtaining or holding of said certificate serves a public purpose  
230 ~~only~~ if the county or other entity of local government:

231 (1) Separately accounts for the revenues, expenses,  
232 property, and source of investment dollars associated with the



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233 provision of such service; and

234 (2) Is subject, without exemption, to all local  
235 requirements applicable to telecommunications companies; ~~and~~

236 ~~(3) Notwithstanding any other provision of law, pays, on~~  
237 ~~its telecommunications facilities used to provide two-way~~  
238 ~~telecommunication services to the public for hire and for which~~  
239 ~~a certificate is required under chapter 364, ad valorem taxes,~~  
240 ~~or fees in amounts equal thereto, to any taxing jurisdiction in~~  
241 ~~which the county or other entity of local government operates.~~  
242 ~~Any entity of local government may pay and impose such ad~~  
243 ~~valorem taxes or fees. Any immunity of any county or other~~  
244 ~~entity of local government from taxation of the property taxed~~  
245 ~~by this section is hereby waived.~~

246

247 This section does not apply to the provision of  
248 telecommunications services for internal operational needs of a  
249 county or other entity of local government. This section does  
250 not apply to the provision of internal information services,  
251 including, but not limited to, tax records, engineering records,  
252 and property records, by a county or other entity of local  
253 government to the public for a fee.

254 Section 5. Section 163.045, Florida Statutes, is repealed.

255 Section 6. Section 163.211, Florida Statutes, is repealed.

256 Section 7. Subsection (6) of section 163.31801, Florida  
257 Statutes, is amended to read:

258 163.31801 Impact fees; short title; intent; minimum  
259 requirements; audits; challenges.-

260 ~~(6) A local government, school district, or special~~  
261 ~~district may increase an impact fee only as provided in this~~

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262 subsection.

263 ~~(a) An impact fee may be increased only pursuant to a plan~~  
264 ~~for the imposition, collection, and use of the increased impact~~  
265 ~~fees which complies with this section.~~

266 ~~(b) An increase to a current impact fee rate of not more~~  
267 ~~than 25 percent of the current rate must be implemented in two~~  
268 ~~equal annual increments beginning with the date on which the~~  
269 ~~increased fee is adopted.~~

270 ~~(c) An increase to a current impact fee rate which exceeds~~  
271 ~~25 percent but is not more than 50 percent of the current rate~~  
272 ~~must be implemented in four equal installments beginning with~~  
273 ~~the date the increased fee is adopted.~~

274 ~~(d) An impact fee increase may not exceed 50 percent of the~~  
275 ~~current impact fee rate.~~

276 ~~(e) An impact fee may not be increased more than once every~~  
277 ~~4 years.~~

278 ~~(f) An impact fee may not be increased retroactively for a~~  
279 ~~previous or current fiscal or calendar year.~~

280 ~~(g) A local government, school district, or special~~  
281 ~~district may increase an impact fee rate beyond the phase-in~~  
282 ~~limitations established under paragraph (b), paragraph (c),~~  
283 ~~paragraph (d), or paragraph (e) by establishing the need for~~  
284 ~~such increase in full compliance with the requirements of~~  
285 ~~subsection (4), provided the following criteria are met:~~

286 ~~1. A demonstrated-need study justifying any increase in~~  
287 ~~excess of those authorized in paragraph (b), paragraph (c),~~  
288 ~~paragraph (d), or paragraph (e) has been completed within the 12~~  
289 ~~months before the adoption of the impact fee increase and~~  
290 ~~expressly demonstrates the extraordinary circumstances~~

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291 ~~necessitating the need to exceed the phase-in limitations.~~

292 ~~2. The local government jurisdiction has held not less than~~  
293 ~~two publicly noticed workshops dedicated to the extraordinary~~  
294 ~~circumstances necessitating the need to exceed the phase-in~~  
295 ~~limitations set forth in paragraph (b), paragraph (c), paragraph~~  
296 ~~(d), or paragraph (e).~~

297 ~~3. The impact fee increase ordinance is approved by at~~  
298 ~~least a two-thirds vote of the governing body.~~

299 ~~(h) This subsection operates retroactively to January 1,~~  
300 ~~2021.~~

301 Section 8. Section 163.3205, Florida Statutes, is repealed.

302 Section 9. Subsection (4) of section 166.04151, Florida  
303 Statutes, is amended to read:

304 166.04151 Affordable housing.—

305 ~~(4) In exchange for a developer fulfilling the requirements~~  
306 ~~of subsection (2) or, for residential or mixed-use residential~~  
307 ~~development, the requirements of subsection (3), a municipality~~  
308 ~~must provide incentives to fully offset all costs to the~~  
309 ~~developer of its affordable housing contribution or linkage fee.~~  
310 ~~Such incentives may include, but are not limited to:~~

311 ~~(a) Allowing the developer density or intensity bonus~~  
312 ~~incentives or more floor space than allowed under the current or~~  
313 ~~proposed future land use designation or zoning;~~

314 ~~(b) Reducing or waiving fees, such as impact fees or water~~  
315 ~~and sewer charges; or~~

316 ~~(c) Granting other incentives.~~

317 Section 10. Subsection (3) and present subsection (6) of  
318 section 166.043, Florida Statutes, are amended to read:

319 166.043 Ordinances and rules imposing price controls;

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320 findings required; procedures.—

321 ~~(3) Any law, ordinance, rule, or other measure which has~~  
322 ~~the effect of imposing controls on rents shall terminate and~~  
323 ~~expire within 1 year and shall not be extended or renewed except~~  
324 ~~by the adoption of a new measure meeting all the requirements of~~  
325 ~~this section.~~

326 (5)~~(6)~~ In any court action brought to challenge the  
327 validity of rent control imposed pursuant to the provisions of  
328 this section, the evidentiary effect of any findings or  
329 recitations required by subsection (4) ~~(5)~~ shall be limited to  
330 imposing upon any party challenging the validity of such measure  
331 the burden of going forward with the evidence, and the burden of  
332 proof (that is, the risk of nonpersuasion) shall rest upon any  
333 party seeking to have the measure upheld.

334 Section 11. Section 166.047, Florida Statutes, is amended  
335 to read:

336 166.047 Telecommunications services.—A telecommunications  
337 company that is a municipality or other entity of local  
338 government may obtain or hold a certificate required by chapter  
339 364, and the obtaining or holding of said certificate serves a  
340 municipal or public purpose under the provision of s. 2(b), Art.  
341 VIII of the State Constitution, only if the municipality or  
342 other entity of local government:

343 (1) Separately accounts for the revenues, expenses,  
344 property, and source of investment dollars associated with the  
345 provision of such services; and

346 (2) Is subject, without exemption, to all local  
347 requirements applicable to telecommunications companies; ~~and~~

348 ~~(3) Notwithstanding any other provision of law, pays, on~~

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349 ~~its telecommunications facilities used to provide two-way~~  
350 ~~telecommunications services to the public for hire and for which~~  
351 ~~a certificate is required pursuant to chapter 364, ad valorem~~  
352 ~~taxes, or fees in amounts equal thereto, to any taxing~~  
353 ~~jurisdiction in which the municipality or other entity of local~~  
354 ~~government operates. Any entity of local government may pay and~~  
355 ~~impose such ad valorem taxes or fees.~~

356

357 This section does not apply to the provision of  
358 telecommunications services for internal operational needs of a  
359 municipality or other entity of local government. This section  
360 does not apply to the provision of internal information  
361 services, including, but not limited to, tax records,  
362 engineering records, and property records, by a municipality or  
363 other entity of local government to the public for a fee.

364 Section 12. Subsections (4), (5), and (8) of section  
365 166.241, Florida Statutes, are amended to read:

366 166.241 Fiscal years, budgets, appeal of municipal law  
367 enforcement agency budget, and budget amendments.—

368 ~~(4)(a) If the tentative budget of a municipality contains a~~  
369 ~~funding reduction to the operating budget of the municipal law~~  
370 ~~enforcement agency, the state attorney for the judicial circuit~~  
371 ~~in which the municipality is located, or a member of the~~  
372 ~~governing body who objects to the funding reduction, may file an~~  
373 ~~appeal by petition to the Administration Commission within 30~~  
374 ~~days after the day the tentative budget is posted to the~~  
375 ~~official website of the municipality under subsection (3). The~~  
376 ~~petition must set forth the tentative budget proposed by the~~  
377 ~~municipality, in the form and manner prescribed by the Executive~~

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378 ~~Office of the Governor and approved by the Administration~~  
379 ~~Commission, the operating budget of the municipal law~~  
380 ~~enforcement agency as approved by the municipality for the~~  
381 ~~previous year, and state the reasons or grounds for the appeal.~~  
382 ~~The petition shall be filed with the Executive Office of the~~  
383 ~~Governor and a copy served upon the governing body of the~~  
384 ~~municipality or to the clerk of the circuit court of the county~~  
385 ~~in which the municipality is located.~~

386 ~~(b) The governing body of the municipality has 5 working~~  
387 ~~days after service of a copy of the petition to file a reply~~  
388 ~~with the Executive Office of the Governor and shall serve a copy~~  
389 ~~of such reply to the petitioner.~~

390 ~~(5) Upon receipt of the petition, the Executive Office of~~  
391 ~~the Governor shall provide for a budget hearing at which the~~  
392 ~~matters presented in the petition and the reply shall be~~  
393 ~~considered. A report of the findings and recommendations of the~~  
394 ~~Executive Office of the Governor thereon shall be promptly~~  
395 ~~submitted to the Administration Commission, which, within 30~~  
396 ~~days, shall approve the action of the governing body of the~~  
397 ~~municipality or amend or modify the budget as to each separate~~  
398 ~~item within the operating budget of the municipal law~~  
399 ~~enforcement agency. The budget as approved, amended, or modified~~  
400 ~~by the Administration Commission shall be final.~~

401 ~~(6)~~(8) If the governing body of a municipality amends the  
402 budget pursuant to paragraph (5) (c) ~~(7) (e)~~, the adopted  
403 amendment must be posted on the official website of the  
404 municipality within 5 days after adoption and must remain on the  
405 website for at least 2 years. If the municipality does not  
406 operate an official website, the municipality must, within a

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407 reasonable period of time as established by the county or  
408 counties in which the municipality is located, transmit the  
409 adopted amendment to the manager or administrator of such county  
410 or counties who shall post the adopted amendment on the county's  
411 website.

412 Section 13. Subsection (6) of section 196.012, Florida  
413 Statutes, is amended to read:

414 196.012 Definitions.—For the purpose of this chapter, the  
415 following terms are defined as follows, except where the context  
416 clearly indicates otherwise:

417 (6) Governmental, municipal, or public purpose or function  
418 shall be deemed to be served or performed when the lessee under  
419 any leasehold interest created in property of the United States,  
420 the state or any of its political subdivisions, or any  
421 municipality, agency, special district, authority, or other  
422 public body corporate of the state is demonstrated to perform a  
423 function or serve a governmental purpose which could properly be  
424 performed or served by an appropriate governmental unit or which  
425 is demonstrated to perform a function or serve a purpose which  
426 would otherwise be a valid subject for the allocation of public  
427 funds. For purposes of the preceding sentence, an activity  
428 undertaken by a lessee which is permitted under the terms of its  
429 lease of real property designated as an aviation area on an  
430 airport layout plan which has been approved by the Federal  
431 Aviation Administration and which real property is used for the  
432 administration, operation, business offices and activities  
433 related specifically thereto in connection with the conduct of  
434 an aircraft full service fixed base operation which provides  
435 goods and services to the general aviation public in the

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436 promotion of air commerce shall be deemed an activity which  
437 serves a governmental, municipal, or public purpose or function.  
438 Any activity undertaken by a lessee which is permitted under the  
439 terms of its lease of real property designated as a public  
440 airport as defined in s. 332.004(14) by municipalities,  
441 agencies, special districts, authorities, or other public bodies  
442 corporate and public bodies politic of the state, a spaceport as  
443 defined in s. 331.303, or which is located in a deepwater port  
444 identified in s. 403.021(9)(b) and owned by one of the foregoing  
445 governmental units, subject to a leasehold or other possessory  
446 interest of a nongovernmental lessee that is deemed to perform  
447 an aviation, airport, aerospace, maritime, or port purpose or  
448 operation shall be deemed an activity that serves a  
449 governmental, municipal, or public purpose. The use by a lessee,  
450 licensee, or management company of real property or a portion  
451 thereof as a convention center, visitor center, sports facility  
452 with permanent seating, concert hall, arena, stadium, park, or  
453 beach is deemed a use that serves a governmental, municipal, or  
454 public purpose or function when access to the property is open  
455 to the general public with or without a charge for admission. If  
456 property deeded to a municipality by the United States is  
457 subject to a requirement that the Federal Government, through a  
458 schedule established by the Secretary of the Interior, determine  
459 that the property is being maintained for public historic  
460 preservation, park, or recreational purposes and if those  
461 conditions are not met the property will revert back to the  
462 Federal Government, then such property shall be deemed to serve  
463 a municipal or public purpose. The term "governmental purpose"  
464 also includes a direct use of property on federal lands in



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465 connection with the Federal Government's Space Exploration  
466 Program or spaceport activities as defined in s. 212.02(22).  
467 Real property and tangible personal property owned by the  
468 Federal Government or Space Florida and used for defense and  
469 space exploration purposes or which is put to a use in support  
470 thereof shall be deemed to perform an essential national  
471 governmental purpose and shall be exempt. "Owned by the lessee"  
472 as used in this chapter does not include personal property,  
473 buildings, or other real property improvements used for the  
474 administration, operation, business offices and activities  
475 related specifically thereto in connection with the conduct of  
476 an aircraft full service fixed based operation which provides  
477 goods and services to the general aviation public in the  
478 promotion of air commerce provided that the real property is  
479 designated as an aviation area on an airport layout plan  
480 approved by the Federal Aviation Administration. For purposes of  
481 determination of "ownership," buildings and other real property  
482 improvements which will revert to the airport authority or other  
483 governmental unit upon expiration of the term of the lease shall  
484 be deemed "owned" by the governmental unit and not the lessee.  
485 ~~Providing two-way telecommunications services to the public for~~  
486 ~~hire by the use of a telecommunications facility, as defined in~~  
487 ~~s. 364.02(14), and for which a certificate is required under~~  
488 ~~chapter 364 does not constitute an exempt use for purposes of s.~~  
489 ~~196.199, unless the telecommunications services are provided by~~  
490 ~~the operator of a public-use airport, as defined in s. 332.004,~~  
491 ~~for the operator's provision of telecommunications services for~~  
492 ~~the airport or its tenants, concessionaires, or licensees, or~~  
493 ~~unless the telecommunications services are provided by a public~~

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494 ~~hospital.~~

495 Section 14. Subsection (1) of section 199.183, Florida  
496 Statutes, is amended to read:

497 199.183 Taxpayers exempt from nonrecurring taxes.—

498 (1) Intangible personal property owned by this state or any  
499 of its political subdivisions or municipalities shall be exempt  
500 from taxation under this chapter. This exemption does not apply  
501 to:

502 (a) Any leasehold or other interest that is described in s.  
503 199.023(1)(d), Florida Statutes 2005; or

504 ~~(b) Property related to the provision of two-way~~  
505 ~~telecommunications services to the public for hire by the use of~~  
506 ~~a telecommunications facility, as defined in s. 364.02(14), and~~  
507 ~~for which a certificate is required under chapter 364, when the~~  
508 ~~service is provided by any county, municipality, or other~~  
509 ~~political subdivision of the state. Any immunity of any~~  
510 ~~political subdivision of the state or other entity of local~~  
511 ~~government from taxation of the property used to provide~~  
512 ~~telecommunication services that is taxed as a result of this~~  
513 ~~paragraph is hereby waived. However, Intangible personal~~  
514 property related to the provision of telecommunications services  
515 provided by the operator of a public-use airport, as defined in  
516 s. 332.004, for the operator's provision of telecommunications  
517 services for the airport or its tenants, concessionaires, or  
518 licensees, and intangible personal property related to the  
519 provision of telecommunications services provided by a public  
520 hospital, are exempt from taxation under this chapter.

521 Section 15. Paragraph (a) of subsection (6) of section  
522 212.08, Florida Statutes, is amended to read:

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523           212.08 Sales, rental, use, consumption, distribution, and  
524 storage tax; specified exemptions.—The sale at retail, the  
525 rental, the use, the consumption, the distribution, and the  
526 storage to be used or consumed in this state of the following  
527 are hereby specifically exempt from the tax imposed by this  
528 chapter.

529           (6) EXEMPTIONS; POLITICAL SUBDIVISIONS.—

530           (a) There are also exempt from the tax imposed by this  
531 chapter sales made to the United States Government, a state, or  
532 any county, municipality, or political subdivision of a state  
533 when payment is made directly to the dealer by the governmental  
534 entity. This exemption shall not inure to any transaction  
535 otherwise taxable under this chapter when payment is made by a  
536 government employee by any means, including, but not limited to,  
537 cash, check, or credit card when that employee is subsequently  
538 reimbursed by the governmental entity. This exemption does not  
539 include sales, rental, use, consumption, or storage for use in  
540 any political subdivision or municipality in this state of  
541 machines and equipment and parts and accessories therefor used  
542 in the generation, transmission, or distribution of electrical  
543 energy by systems owned and operated by a political subdivision  
544 in this state for transmission or distribution expansion.  
545 Likewise exempt are charges for services rendered by radio and  
546 television stations, including line charges, talent fees, or  
547 license fees and charges for films, videotapes, and  
548 transcriptions used in producing radio or television broadcasts.  
549 ~~The exemption provided in this subsection does not include~~  
550 ~~sales, rental, use, consumption, or storage for use in any~~  
551 ~~political subdivision or municipality in this state of machines~~

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552 ~~and equipment and parts and accessories therefor used in~~  
553 ~~providing two-way telecommunications services to the public for~~  
554 ~~hire by the use of a telecommunications facility, as defined in~~  
555 ~~s. 364.02(14), and for which a certificate is required under~~  
556 ~~chapter 364, which facility is owned and operated by any county,~~  
557 ~~municipality, or other political subdivision of the state. Any~~  
558 ~~immunity of any political subdivision of the state or other~~  
559 ~~entity of local government from taxation of the property used to~~  
560 ~~provide telecommunication services that is taxed as a result of~~  
561 ~~this section is hereby waived.~~ However, the exemption provided  
562 in this subsection includes transactions taxable under this  
563 chapter which are for use by the operator of a public-use  
564 airport, as defined in s. 332.004, in providing such  
565 telecommunications services for the airport or its tenants,  
566 concessionaires, or licensees, or which are for use by a public  
567 hospital for the provision of such telecommunications services.

568 Section 16. Section 218.077, Florida Statutes, is repealed.

569 Section 17. Paragraph (w) of subsection (2) of section  
570 252.35, Florida Statutes, is amended to read:

571 252.35 Emergency management powers; Division of Emergency  
572 Management.—

573 (2) The division is responsible for carrying out the  
574 provisions of ss. 252.31-252.90. In performing its duties, the  
575 division shall:

576 (w) Delegate, as necessary and appropriate, authority  
577 vested in it under ss. 252.31-252.90 and provide for the  
578 subdelegation of such authority. ~~The duration of each such~~  
579 ~~delegation or subdelegation during an emergency may not exceed~~  
580 ~~60 days; however, a delegation or subdelegation may be renewed~~

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581 ~~during the emergency, as necessary.~~

582 Section 18. Subsection (4) of section 252.38, Florida  
583 Statutes, is amended to read:

584 252.38 Emergency management powers of political  
585 subdivisions.—Safeguarding the life and property of its citizens  
586 is an innate responsibility of the governing body of each  
587 political subdivision of the state.

588 ~~(4) EXPIRATION AND EXTENSION OF EMERGENCY ORDERS.—~~

589 ~~(a) As used in this subsection, the term "emergency order"~~  
590 ~~means an order or ordinance issued or enacted by a political~~  
591 ~~subdivision in response to an emergency pursuant to this chapter~~  
592 ~~or chapter 381 that limits the rights or liberties of~~  
593 ~~individuals or businesses within the political subdivision. The~~  
594 ~~term does not apply to orders issued in response to hurricanes~~  
595 ~~or other weather-related emergencies.~~

596 ~~(b) It is the intent of the Legislature to minimize the~~  
597 ~~negative effects of an emergency order issued by a political~~  
598 ~~subdivision. Notwithstanding any other law, an emergency order~~  
599 ~~issued by a political subdivision must be narrowly tailored to~~  
600 ~~serve a compelling public health or safety purpose. Any such~~  
601 ~~emergency order must be limited in duration, applicability, and~~  
602 ~~scope in order to reduce any infringement on individual rights~~  
603 ~~or liberties to the greatest extent possible.~~

604 ~~(c) An emergency order automatically expires 7 days after~~  
605 ~~issuance but may be extended by a majority vote of the governing~~  
606 ~~body of the political subdivision, as necessary, in 7-day~~  
607 ~~increments for a total duration of not more than 42 days.~~

608 ~~(d) The Governor may, at any time, invalidate an emergency~~  
609 ~~order issued by a political subdivision if the Governor~~

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610 ~~determines that such order unnecessarily restricts individual~~  
611 ~~rights or liberties.~~

612 ~~(c) Upon the expiration of an emergency order, a political~~  
613 ~~subdivision may not issue a substantially similar order.~~

614 Section 19. Subsection (2) of section 252.46, Florida  
615 Statutes, is amended to read:

616 252.46 Orders and rules.—

617 (2) All orders and rules adopted by the division or any  
618 political subdivision or other agency authorized by ss. 252.31-  
619 252.90 to make orders and rules have full force and effect of  
620 law after adoption in accordance with chapter 120 in the event  
621 of issuance by the division or any state agency or, if adopted  
622 by a political subdivision of the state or agency thereof, when  
623 filed in the office of the clerk or recorder of the political  
624 subdivision or agency adopting the same. ~~Failure of a political~~  
625 ~~subdivision to file any such order or rule with the office of~~  
626 ~~the clerk or recorder within 3 days after issuance voids the~~  
627 ~~order or rule.~~ All existing laws, ordinances, and rules  
628 inconsistent with ss. 252.31-252.90, or any order or rule issued  
629 under the authority of ss. 252.31-252.90, must be suspended  
630 during the period of time and to the extent that such conflict  
631 exists.

632 Section 20. Section 311.25, Florida Statutes, is repealed.

633 Section 21. Paragraph (b) of subsection (1) of section  
634 331.502, Florida Statutes, is amended to read:

635 331.502 Recovery of spaceflight assets.—

636 (1) As used in this section, the term:

637 ~~(b) "Law enforcement agency" has the same meaning as~~  
638 ~~provided in s. 908.102.~~

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639 Section 22. Paragraph (a) of subsection (1), subsections  
640 (2) and (3), paragraph (d) of subsection (6), and subsections  
641 (7), (8), and (9) of section 337.401, Florida Statutes, are  
642 amended to read:

643 337.401 Use of right-of-way for utilities subject to  
644 regulation; permit; fees.—

645 (1) (a) The department and local governmental entities,  
646 referred to in this section and in ss. 337.402, 337.403, and  
647 337.404 as the "authority," that have jurisdiction and control  
648 of public roads or publicly owned rail corridors are authorized  
649 to prescribe and enforce reasonable rules or regulations with  
650 reference to the placing and maintaining across, on, or within  
651 the right-of-way limits of any road or publicly owned rail  
652 corridors under their respective jurisdictions any electric  
653 transmission, voice, telegraph, ~~data~~, or other communications  
654 services lines ~~or wireless facilities~~; pole lines; poles;  
655 railways; ditches; sewers; water, heat, or gas mains; pipelines;  
656 fences; gasoline tanks and pumps; or other structures referred  
657 to in this section and in ss. 337.402, 337.403, and 337.404 as  
658 the "utility." The department may enter into a permit-delegation  
659 agreement with a governmental entity if issuance of a permit is  
660 based on requirements that the department finds will ensure the  
661 safety and integrity of facilities of the Department of  
662 Transportation; however, the permit-delegation agreement does  
663 not apply to facilities of electric utilities as defined in s.  
664 366.02(2).

665 (2) The authority may grant to any person who is a resident  
666 of this state, or to any corporation which is organized under  
667 the laws of this state or licensed to do business within this

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668 state, the use of a right-of-way for the utility in accordance  
669 with such rules or regulations as the authority may adopt. A  
670 utility may not be installed, located, or relocated unless  
671 authorized by a written permit issued by the authority. However,  
672 for public roads or publicly owned rail corridors under the  
673 jurisdiction of the department, a utility relocation schedule  
674 and relocation agreement may be executed in lieu of a written  
675 permit. The permit must require the permitholder to be  
676 responsible for any damage resulting from the issuance of such  
677 permit. The authority may initiate injunctive proceedings as  
678 provided in s. 120.69 to enforce provisions of this subsection  
679 or any rule or order issued or entered into pursuant thereto. ~~A~~  
680 ~~permit application required under this subsection by a county or~~  
681 ~~municipality having jurisdiction and control of the right-of-way~~  
682 ~~of any public road must be processed and acted upon in~~  
683 ~~accordance with the timeframes provided in subparagraphs~~  
684 ~~(7) (d) 7., 8., and 9.~~

685 (3) (a) Because of the unique circumstances applicable to  
686 providers of communications services, including, but not limited  
687 to, the circumstances described in paragraph (e) and the fact  
688 that federal and state law require the nondiscriminatory  
689 treatment of providers of telecommunications services, and  
690 because of the desire to promote competition among providers of  
691 communications services, it is the intent of the Legislature  
692 that municipalities and counties treat providers of  
693 communications services in a nondiscriminatory and competitively  
694 neutral manner when imposing rules or regulations governing the  
695 placement or maintenance of communications facilities in the  
696 public roads or rights-of-way. Rules or regulations imposed by a



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697 municipality or county relating to providers of communications  
698 services placing or maintaining communications facilities in its  
699 roads or rights-of-way must be generally applicable to all  
700 providers of communications services, ~~taking into account the~~  
701 ~~distinct engineering, construction, operation, maintenance,~~  
702 ~~public works, and safety requirements of the provider's~~  
703 ~~facilities,~~ and, notwithstanding any other law, may not require  
704 a provider of communications services to apply for or enter into  
705 an individual license, franchise, or other agreement with the  
706 municipality or county as a condition of placing or maintaining  
707 communications facilities in its roads or rights-of-way. In  
708 addition to other reasonable rules or regulations that a  
709 municipality or county may adopt relating to the placement or  
710 maintenance of communications facilities in its roads or rights-  
711 of-way under this subsection ~~or subsection (7),~~ a municipality  
712 or county may require a provider of communications services that  
713 places or seeks to place facilities in its roads or rights-of-  
714 way to register with the municipality or county. ~~To register, a~~  
715 ~~provider of communications services may be required only to~~  
716 provide its name; the name, address, and telephone number of a  
717 contact person for the registrant; the number of the  
718 registrant's current certificate of authorization issued by the  
719 Florida Public Service Commission, the Federal Communications  
720 Commission, or the Department of State; ~~a statement of whether~~  
721 ~~the registrant is a pass-through provider as defined in~~  
722 ~~subparagraph (6)(a)1.; the registrant's federal employer~~  
723 ~~identification number;~~ and any required proof of insurance or  
724 self-insuring status adequate to defend and cover claims. A  
725 ~~municipality or county may not require a registrant to renew a~~

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726 ~~registration more frequently than every 5 years but may require~~  
727 ~~during this period that a registrant update the registration~~  
728 ~~information provided under this subsection within 90 days after~~  
729 ~~a change in such information. A municipality or county may not~~  
730 ~~require the registrant to provide an inventory of communications~~  
731 ~~facilities, maps, locations of such facilities, or other~~  
732 ~~information by a registrant as a condition of registration,~~  
733 ~~renewal, or for any other purpose; provided, however, that a~~  
734 ~~municipality or county may require as part of a permit~~  
735 ~~application that the applicant identify at-grade communications~~  
736 ~~facilities within 50 feet of the proposed installation location~~  
737 ~~for the placement of at-grade communications facilities. A~~  
738 ~~municipality or county may not require a provider to pay any~~  
739 ~~fee, cost, or other charge for registration or renewal thereof.~~  
740 ~~It is the intent of the Legislature that the placement,~~  
741 ~~operation, maintenance, upgrading, and extension of~~  
742 ~~communications facilities not be unreasonably interrupted or~~  
743 ~~delayed through the permitting or other local regulatory~~  
744 ~~process. Except as provided in this chapter or otherwise~~  
745 ~~expressly authorized by chapter 202, chapter 364, or chapter~~  
746 ~~610, a municipality or county may not adopt or enforce any~~  
747 ~~ordinance, regulation, or requirement as to the placement or~~  
748 ~~operation of communications facilities in a right-of-way by a~~  
749 ~~communications services provider authorized by state or local~~  
750 ~~law to operate in a right-of-way; regulate any communications~~  
751 ~~services; or impose or collect any tax, fee, cost, charge, or~~  
752 ~~exaction for the provision of communications services over the~~  
753 ~~communications services provider's communications facilities in~~  
754 ~~a right-of-way.~~

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755 (b) Registration described in paragraph (a) does not  
756 establish a right to place or maintain, or priority for the  
757 placement or maintenance of, a communications facility in roads  
758 or rights-of-way of a municipality or county. Each municipality  
759 and county retains the authority to regulate and manage  
760 municipal and county roads or rights-of-way in exercising its  
761 police power, ~~subject to the limitations imposed in this section~~  
762 ~~and chapters 202 and 610~~. Any rules or regulations adopted by a  
763 municipality or county which govern the occupation of its roads  
764 or rights-of-way by providers of communications services must be  
765 related to the placement or maintenance of facilities in such  
766 roads or rights-of-way, must be reasonable and  
767 nondiscriminatory, and may include only those matters necessary  
768 to manage the roads or rights-of-way of the municipality or  
769 county.

770 (c) ~~Any municipality or county that, as of January 1, 2019,~~  
771 ~~elected to require permit fees from any provider of~~  
772 ~~communications services that uses or occupies municipal or~~  
773 ~~county roads or rights-of-way pursuant to former paragraph (c)~~  
774 ~~or former paragraph (j), Florida Statutes 2018, may continue to~~  
775 ~~require and collect such fees. A municipality or county that~~  
776 ~~elected as of January 1, 2019, to require permit fees may elect~~  
777 ~~to forego such fees as provided herein. A municipality or county~~  
778 ~~that elected as of January 1, 2019, not to require permit fees~~  
779 ~~may not elect to impose permit fees. All fees authorized under~~  
780 this paragraph must be reasonable and commensurate with the  
781 direct and actual cost of the regulatory activity, including  
782 issuing and processing permits, plan reviews, physical  
783 inspection, and direct administrative costs; must be

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784 demonstrable; and must be equitable among users of the roads or  
785 rights-of-way. A fee authorized under this paragraph may not be  
786 offset against the tax imposed under chapter 202; include the  
787 costs of roads or rights-of-way acquisition or roads or rights-  
788 of-way rental; include any general administrative, management,  
789 or maintenance costs of the roads or rights-of-way; or be based  
790 on a percentage of the value or costs associated with the work  
791 to be performed on the roads or rights-of-way. In an action to  
792 recover amounts due for a fee not authorized under this  
793 paragraph, the prevailing party may recover court costs and  
794 attorney fees at trial and on appeal. In addition to the  
795 limitations set forth in this section, a fee levied by a  
796 municipality or charter county under this paragraph may not  
797 exceed \$100. However, permit fees may not be imposed with  
798 respect to permits that may be required for service drop lines  
799 not required to be noticed under s. 556.108(5) or for any  
800 activity that does not require the physical disturbance of the  
801 roads or rights-of-way or does not impair access to or full use  
802 of the roads or rights-of-way, ~~including, but not limited to,~~  
803 ~~the performance of service restoration work on existing~~  
804 ~~facilities, extensions of such facilities for providing~~  
805 ~~communications services to customers, and the placement of micro~~  
806 ~~wireless facilities in accordance with subparagraph (7)(c)3.~~

807 1. If a municipality or charter county elects to not  
808 require permit fees, the total rate for the local communications  
809 services tax as computed under s. 202.20 for that municipality  
810 or charter county may be increased by ordinance or resolution by  
811 an amount not to exceed a rate of 0.12 percent.

812 2. If a noncharter county elects to not require permit

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813 fees, the total rate for the local communications services tax  
814 as computed under s. 202.20 for that noncharter county may be  
815 increased by ordinance or resolution by an amount not to exceed  
816 a rate of 0.24 percent, to replace the revenue the noncharter  
817 county would otherwise have received from permit fees for  
818 providers of communications services.

819 (d) In addition to any other notice requirements, a  
820 municipality must provide to the Secretary of State, at least 10  
821 days prior to consideration on first reading, notice of a  
822 proposed ordinance governing a telecommunications company  
823 placing or maintaining telecommunications facilities in its  
824 roads or rights-of-way. In addition to any other notice  
825 requirements, a county must provide to the Secretary of State,  
826 at least 15 days prior to consideration at a public hearing,  
827 notice of a proposed ordinance governing a telecommunications  
828 company placing or maintaining telecommunications facilities in  
829 its roads or rights-of-way. The notice required by this  
830 paragraph must be published by the Secretary of State on a  
831 designated Internet website. The failure of a municipality or  
832 county to provide such notice does not render the ordinance  
833 invalid, ~~provided that enforcement of such ordinance must be~~  
834 ~~suspended until 30 days after the municipality or county~~  
835 ~~provides the required notice.~~

836 (e) The authority of municipalities and counties to require  
837 franchise fees from providers of communications services, with  
838 respect to the provision of communications services, is  
839 specifically preempted by the state because of unique  
840 circumstances applicable to providers of communications services  
841 when compared to other utilities occupying municipal or county

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842 roads or rights-of-way. Providers of communications services may  
843 provide similar services in a manner that requires the placement  
844 of facilities in municipal or county roads or rights-of-way or  
845 in a manner that does not require the placement of facilities in  
846 such roads or rights-of-way. Although similar communications  
847 services may be provided by different means, the state desires  
848 to treat providers of communications services in a  
849 nondiscriminatory manner and to have the taxes, franchise fees,  
850 and other fees, ~~costs, and financial or regulatory exactions~~  
851 paid by ~~or imposed on~~ providers of communications services be  
852 competitively neutral. Municipalities and counties retain all  
853 existing authority, if any, to collect franchise fees from users  
854 or occupants of municipal or county roads or rights-of-way other  
855 than providers of communications services, and the provisions of  
856 this subsection shall have no effect upon this authority. The  
857 provisions of this subsection do not restrict the authority, if  
858 any, of municipalities or counties or other governmental  
859 entities to receive reasonable rental fees based on fair market  
860 value for the use of public lands and buildings on property  
861 outside the public roads or rights-of-way for the placement of  
862 communications antennas and towers.

863 (f) Except as expressly allowed or authorized by general  
864 law and except for the rights-of-way permit fees subject to  
865 paragraph (c), a municipality or county may not levy on a  
866 provider of communications services a tax, fee, or other charge  
867 or imposition for operating as a provider of communications  
868 services within the jurisdiction of the municipality or county  
869 which is in any way related to using its roads or rights-of-way.  
870 A municipality or county may not require or solicit in-kind

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871 compensation, except as otherwise provided in s. 202.24(2)(c)8.  
872 ~~or, provided that the in-kind compensation is not a franchise~~  
873 ~~fee under federal law. Nothing in this paragraph impairs the~~  
874 ~~authority of a municipality or county to request public,~~  
875 ~~educational, or governmental access channels pursuant to s.~~  
876 610.109. Nothing in this paragraph shall impair any ordinance or  
877 agreement in effect on May 22, 1998, or any voluntary agreement  
878 entered into subsequent to that date, which provides for or  
879 allows in-kind compensation by a telecommunications company.

880 (g) A municipality or county may not use its authority over  
881 the placement of facilities in its roads and rights-of-way as a  
882 basis for asserting or exercising regulatory control over a  
883 provider of communications services regarding matters within the  
884 exclusive jurisdiction of the Florida Public Service Commission  
885 or the Federal Communications Commission, including, but not  
886 limited to, the operations, systems, ~~equipment, technology,~~  
887 qualifications, services, service quality, service territory,  
888 and prices of a provider of communications services. ~~A~~  
889 ~~municipality or county may not require any permit for the~~  
890 ~~maintenance, repair, replacement, extension, or upgrade of~~  
891 ~~existing aerial wireline communications facilities on utility~~  
892 ~~poles or for aerial wireline facilities between existing~~  
893 ~~wireline communications facility attachments on utility poles by~~  
894 ~~a communications services provider. However, a municipality or~~  
895 ~~county may require a right-of-way permit for work that involves~~  
896 ~~excavation, closure of a sidewalk, or closure of a vehicular~~  
897 ~~lane or parking lane, unless the provider is performing service~~  
898 ~~restoration to existing facilities. A permit application~~  
899 ~~required by an authority under this section for the placement of~~

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900 ~~communications facilities must be processed and acted upon~~  
901 ~~consistent with the timeframes provided in subparagraphs~~  
902 ~~(7) (d) 7., 8., and 9. In addition, a municipality or county may~~  
903 ~~not require any permit or other approval, fee, charge, or cost,~~  
904 ~~or other exaction for the maintenance, repair, replacement,~~  
905 ~~extension, or upgrade of existing aerial lines or underground~~  
906 ~~communications facilities located on private property outside of~~  
907 ~~the public rights-of-way. As used in this section, the term~~  
908 ~~"extension of existing facilities" includes those extensions~~  
909 ~~from the rights-of-way into a customer's private property for~~  
910 ~~purposes of placing a service drop or those extensions from the~~  
911 ~~rights-of-way into a utility easement to provide service to a~~  
912 ~~discrete identifiable customer or group of customers.~~

913 (h) A provider of communications services that has obtained  
914 permission to occupy the roads or rights-of-way of an  
915 incorporated municipality pursuant to s. 362.01 or that is  
916 otherwise lawfully occupying the roads or rights-of-way of a  
917 municipality ~~or county~~ shall not be required to obtain consent  
918 to continue such lawful occupation of those roads or rights-of-  
919 way; however, nothing in this paragraph shall be interpreted to  
920 limit the power of a municipality ~~or county~~ to adopt or enforce  
921 reasonable rules or regulations as provided in this section ~~and~~  
922 ~~consistent with chapters 202, 364, and 610. Any such rules or~~  
923 ~~regulations must be in writing, and registered providers of~~  
924 ~~communications services in the municipality or county must be~~  
925 ~~given at least 60 days' advance written notice of any changes to~~  
926 ~~the rules and regulations.~~

927 (i) Except as expressly provided in this section, this  
928 section does not modify the authority of municipalities and



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929 counties to levy the tax authorized in chapter 202 or the duties  
930 of providers of communications services under ss. 337.402-  
931 337.404. This section does not apply to building permits, pole  
932 attachments, or private roads, private easements, and private  
933 rights-of-way.

934 (j) Notwithstanding the provisions of s. 202.19, when a  
935 local communications services tax rate is changed as a result of  
936 an election made or changed under this subsection, such rate may  
937 not be rounded to tenths.

938 (6)

939 (d) The amounts charged pursuant to this subsection shall  
940 be based on the linear miles of roads or rights-of-way where a  
941 communications facility is placed, not based on a summation of  
942 the lengths of individual cables, conduits, strands, or fibers.  
943 The amounts referenced in this subsection may be charged only  
944 once annually and only to one person annually for any  
945 communications facility. A municipality or county shall  
946 discontinue charging such amounts to a person that has ceased to  
947 be a pass-through provider. Any annual amounts charged shall be  
948 reduced for a prorated portion of any 12-month period during  
949 which the person remits taxes imposed by the municipality or  
950 county pursuant to chapter 202. Any excess amounts paid to a  
951 municipality or county shall be refunded to the person upon  
952 written notice of the excess to the municipality or county. ~~A~~  
953 ~~municipality or county may require a pass-through provider to~~  
954 ~~provide an annual notarized statement identifying the total~~  
955 ~~number of linear miles of pass-through facilities in the~~  
956 ~~municipality's or county's rights-of-way. Upon request from a~~  
957 ~~municipality or county, a pass-through provider must provide~~

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958 ~~reasonable access to maps of pass-through facilities located in~~  
959 ~~the rights-of-way of the municipality or county making the~~  
960 ~~request. The scope of the request must be limited to only those~~  
961 ~~maps of pass-through facilities from which the calculation of~~  
962 ~~the linear miles of pass-through facilities in the rights-of-way~~  
963 ~~can be determined. The request must be accompanied by an~~  
964 ~~affidavit that the person making the request is authorized by~~  
965 ~~the municipality or county to review tax information related to~~  
966 ~~the revenue and mileage calculations for pass-through providers.~~  
967 ~~A request may not be made more than once annually to a pass-~~  
968 ~~through provider.~~

969 ~~(7)(a) This subsection may be cited as the "Advanced~~  
970 ~~Wireless Infrastructure Deployment Act."~~

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

972 ~~1. "Antenna" means communications equipment that transmits~~  
973 ~~or receives electromagnetic radio frequency signals used in~~  
974 ~~providing wireless services.~~

975 ~~2. "Applicable codes" means uniform building, fire,~~  
976 ~~electrical, plumbing, or mechanical codes adopted by a~~  
977 ~~recognized national code organization or local amendments to~~  
978 ~~those codes enacted solely to address threats of destruction of~~  
979 ~~property or injury to persons, and includes the National~~  
980 ~~Electric Safety Code and the 2017 edition of the Florida~~  
981 ~~Department of Transportation Utility Accommodation Manual.~~

982 ~~3. "Applicant" means a person who submits an application~~  
983 ~~and is a wireless provider.~~

984 ~~4. "Application" means a request submitted by an applicant~~  
985 ~~to an authority for a permit to collocate small wireless~~  
986 ~~facilities or to place a new utility pole used to support a~~

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987 ~~small wireless facility.~~

988 ~~5. "Authority" means a county or municipality having~~  
989 ~~jurisdiction and control of the rights-of-way of any public~~  
990 ~~road. The term does not include the Department of~~  
991 ~~Transportation. Rights-of-way under the jurisdiction and control~~  
992 ~~of the department are excluded from this subsection.~~

993 ~~6. "Authority utility pole" means a utility pole owned by~~  
994 ~~an authority in the right-of-way. The term does not include a~~  
995 ~~utility pole owned by a municipal electric utility, a utility~~  
996 ~~pole used to support municipally owned or operated electric~~  
997 ~~distribution facilities, or a utility pole located in the right-~~  
998 ~~of-way within:~~

999 ~~a. A retirement community that:~~

1000 ~~(I) Is deed restricted as housing for older persons as~~  
1001 ~~defined in s. 760.29(4)(b);~~

1002 ~~(II) Has more than 5,000 residents; and~~

1003 ~~(III) Has underground utilities for electric transmission~~  
1004 ~~or distribution.~~

1005 ~~b. A municipality that:~~

1006 ~~(I) Is located on a coastal barrier island as defined in s.~~  
1007 ~~161.053(1)(b)3.;~~

1008 ~~(II) Has a land area of less than 5 square miles;~~

1009 ~~(III) Has less than 10,000 residents; and~~

1010 ~~(IV) Has, before July 1, 2017, received referendum approval~~  
1011 ~~to issue debt to finance municipal-wide undergrounding of its~~  
1012 ~~utilities for electric transmission or distribution.~~

1013 ~~7. "Collocate" or "collocation" means to install, mount,~~  
1014 ~~maintain, modify, operate, or replace one or more wireless~~  
1015 ~~facilities on, under, within, or adjacent to a wireless support~~

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1016 ~~structure or utility pole. The term does not include the~~  
1017 ~~installation of a new utility pole or wireless support structure~~  
1018 ~~in the public rights-of-way.~~

1019 ~~8. "FCC" means the Federal Communications Commission.~~

1020 ~~9. "Micro wireless facility" means a small wireless~~  
1021 ~~facility having dimensions no larger than 24 inches in length,~~  
1022 ~~15 inches in width, and 12 inches in height and an exterior~~  
1023 ~~antenna, if any, no longer than 11 inches.~~

1024 ~~10. "Small wireless facility" means a wireless facility~~  
1025 ~~that meets the following qualifications:~~

1026 ~~a. Each antenna associated with the facility is located~~  
1027 ~~inside an enclosure of no more than 6 cubic feet in volume or,~~  
1028 ~~in the case of antennas that have exposed elements, each antenna~~  
1029 ~~and all of its exposed elements could fit within an enclosure of~~  
1030 ~~no more than 6 cubic feet in volume; and~~

1031 ~~b. All other wireless equipment associated with the~~  
1032 ~~facility is cumulatively no more than 28 cubic feet in volume.~~  
1033 ~~The following types of associated ancillary equipment are not~~  
1034 ~~included in the calculation of equipment volume: electric~~  
1035 ~~meters, concealment elements, telecommunications demarcation~~  
1036 ~~boxes, ground-based enclosures, grounding equipment, power~~  
1037 ~~transfer switches, cutoff switches, vertical cable runs for the~~  
1038 ~~connection of power and other services, and utility poles or~~  
1039 ~~other support structures.~~

1040 ~~11. "Utility pole" means a pole or similar structure that~~  
1041 ~~is used in whole or in part to provide communications services~~  
1042 ~~or for electric distribution, lighting, traffic control,~~  
1043 ~~signage, or a similar function. The term includes the vertical~~  
1044 ~~support structure for traffic lights but does not include a~~

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1045 ~~horizontal structure to which signal lights or other traffic~~  
1046 ~~control devices are attached and does not include a pole or~~  
1047 ~~similar structure 15 feet in height or less unless an authority~~  
1048 ~~grants a waiver for such pole.~~

1049 ~~12. "Wireless facility" means equipment at a fixed location~~  
1050 ~~which enables wireless communications between user equipment and~~  
1051 ~~a communications network, including radio transceivers,~~  
1052 ~~antennas, wires, coaxial or fiber-optic cable or other cables,~~  
1053 ~~regular and backup power supplies, and comparable equipment,~~  
1054 ~~regardless of technological configuration, and equipment~~  
1055 ~~associated with wireless communications. The term includes small~~  
1056 ~~wireless facilities. The term does not include:~~

1057 ~~a. The structure or improvements on, under, within, or~~  
1058 ~~adjacent to the structure on which the equipment is collocated;~~

1059 ~~b. Wireline backhaul facilities; or~~

1060 ~~c. Coaxial or fiber-optic cable that is between wireless~~  
1061 ~~structures or utility poles or that is otherwise not immediately~~  
1062 ~~adjacent to or directly associated with a particular antenna.~~

1063 ~~13. "Wireless infrastructure provider" means a person who~~  
1064 ~~has been certificated under chapter 364 to provide~~  
1065 ~~telecommunications service or under chapter 610 to provide cable~~  
1066 ~~or video services in this state, or that person's affiliate, and~~  
1067 ~~who builds or installs wireless communication transmission~~  
1068 ~~equipment, wireless facilities, or wireless support structures~~  
1069 ~~but is not a wireless services provider.~~

1070 ~~14. "Wireless provider" means a wireless infrastructure~~  
1071 ~~provider or a wireless services provider.~~

1072 ~~15. "Wireless services" means any services provided using~~  
1073 ~~licensed or unlicensed spectrum, whether at a fixed location or~~

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1074 ~~mobile, using wireless facilities.~~

1075 ~~16. "Wireless services provider" means a person who~~  
1076 ~~provides wireless services.~~

1077 ~~17. "Wireless support structure" means a freestanding~~  
1078 ~~structure, such as a monopole, a guyed or self-supporting tower,~~  
1079 ~~or another existing or proposed structure designed to support or~~  
1080 ~~capable of supporting wireless facilities. The term does not~~  
1081 ~~include a utility pole, pedestal, or other support structure for~~  
1082 ~~ground-based equipment not mounted on a utility pole and less~~  
1083 ~~than 5 feet in height.~~

1084 ~~(c) Except as provided in this subsection, an authority may~~  
1085 ~~not prohibit, regulate, or charge for the collocation of small~~  
1086 ~~wireless facilities in the public rights-of-way or for the~~  
1087 ~~installation, maintenance, modification, operation, or~~  
1088 ~~replacement of utility poles used for the collocation of small~~  
1089 ~~wireless facilities in the public rights-of-way.~~

1090 ~~(d) An authority may require a registration process and~~  
1091 ~~permit fees in accordance with subsection (3). An authority~~  
1092 ~~shall accept applications for permits and shall process and~~  
1093 ~~issue permits subject to the following requirements:~~

1094 ~~1. An authority may not directly or indirectly require an~~  
1095 ~~applicant to perform services unrelated to the collocation for~~  
1096 ~~which approval is sought, such as in-kind contributions to the~~  
1097 ~~authority, including reserving fiber, conduit, or pole space for~~  
1098 ~~the authority.~~

1099 ~~2. An applicant may not be required to provide more~~  
1100 ~~information to obtain a permit than is necessary to demonstrate~~  
1101 ~~the applicant's compliance with applicable codes for the~~  
1102 ~~placement of small wireless facilities in the locations~~

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1103 ~~identified in the application. An applicant may not be required~~  
1104 ~~to provide inventories, maps, or locations of communications~~  
1105 ~~facilities in the right-of-way other than as necessary to avoid~~  
1106 ~~interference with other at-grade or aerial facilities located at~~  
1107 ~~the specific location proposed for a small wireless facility or~~  
1108 ~~within 50 feet of such location.~~

1109 ~~3. An authority may not:~~

1110 ~~a. Require the placement of small wireless facilities on~~  
1111 ~~any specific utility pole or category of poles;~~

1112 ~~b. Require the placement of multiple antenna systems on a~~  
1113 ~~single utility pole;~~

1114 ~~e. Require a demonstration that collocation of a small~~  
1115 ~~wireless facility on an existing structure is not legally or~~  
1116 ~~technically possible as a condition for granting a permit for~~  
1117 ~~the collocation of a small wireless facility on a new utility~~  
1118 ~~pole except as provided in paragraph (i);~~

1119 ~~d. Require compliance with an authority's provisions~~  
1120 ~~regarding placement of small wireless facilities or a new~~  
1121 ~~utility pole used to support a small wireless facility in~~  
1122 ~~rights-of-way under the control of the department unless the~~  
1123 ~~authority has received a delegation from the department for the~~  
1124 ~~location of the small wireless facility or utility pole, or~~  
1125 ~~require such compliance as a condition to receive a permit that~~  
1126 ~~is ancillary to the permit for collocation of a small wireless~~  
1127 ~~facility, including an electrical permit;~~

1128 ~~e. Require a meeting before filing an application;~~

1129 ~~f. Require direct or indirect public notification or a~~  
1130 ~~public meeting for the placement of communication facilities in~~  
1131 ~~the right-of-way;~~

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1132 ~~g. Limit the size or configuration of a small wireless~~  
1133 ~~facility or any of its components, if the small wireless~~  
1134 ~~facility complies with the size limits in this subsection;~~

1135 ~~h. Prohibit the installation of a new utility pole used to~~  
1136 ~~support the collocation of a small wireless facility if the~~  
1137 ~~installation otherwise meets the requirements of this~~  
1138 ~~subsection; or~~

1139 ~~i. Require that any component of a small wireless facility~~  
1140 ~~be placed underground except as provided in paragraph (i).~~

1141 ~~4. Subject to paragraph (r), an authority may not limit the~~  
1142 ~~placement, by minimum separation distances, of small wireless~~  
1143 ~~facilities, utility poles on which small wireless facilities are~~  
1144 ~~or will be collocated, or other at-grade communications~~  
1145 ~~facilities. However, within 14 days after the date of filing the~~  
1146 ~~application, an authority may request that the proposed location~~  
1147 ~~of a small wireless facility be moved to another location in the~~  
1148 ~~right-of-way and placed on an alternative authority utility pole~~  
1149 ~~or support structure or placed on a new utility pole. The~~  
1150 ~~authority and the applicant may negotiate the alternative~~  
1151 ~~location, including any objective design standards and~~  
1152 ~~reasonable spacing requirements for ground-based equipment, for~~  
1153 ~~30 days after the date of the request. At the conclusion of the~~  
1154 ~~negotiation period, if the alternative location is accepted by~~  
1155 ~~the applicant, the applicant must notify the authority of such~~  
1156 ~~acceptance and the application shall be deemed granted for any~~  
1157 ~~new location for which there is agreement and all other~~  
1158 ~~locations in the application. If an agreement is not reached,~~  
1159 ~~the applicant must notify the authority of such nonagreement and~~  
1160 ~~the authority must grant or deny the original application within~~



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1161 ~~90 days after the date the application was filed. A request for~~  
1162 ~~an alternative location, an acceptance of an alternative~~  
1163 ~~location, or a rejection of an alternative location must be in~~  
1164 ~~writing and provided by electronic mail.~~

1165 ~~5. An authority shall limit the height of a small wireless~~  
1166 ~~facility to 10 feet above the utility pole or structure upon~~  
1167 ~~which the small wireless facility is to be collocated. Unless~~  
1168 ~~waived by an authority, the height for a new utility pole is~~  
1169 ~~limited to the tallest existing utility pole as of July 1, 2017,~~  
1170 ~~located in the same right-of-way, other than a utility pole for~~  
1171 ~~which a waiver has previously been granted, measured from grade~~  
1172 ~~in place within 500 feet of the proposed location of the small~~  
1173 ~~wireless facility. If there is no utility pole within 500 feet,~~  
1174 ~~the authority shall limit the height of the utility pole to 50~~  
1175 ~~feet.~~

1176 ~~6. The installation by a communications services provider~~  
1177 ~~of a utility pole in the public rights-of-way, other than a~~  
1178 ~~utility pole used to support a small wireless facility, is~~  
1179 ~~subject to authority rules or regulations governing the~~  
1180 ~~placement of utility poles in the public rights-of-way.~~

1181 ~~7. Within 14 days after receiving an application, an~~  
1182 ~~authority must determine and notify the applicant by electronic~~  
1183 ~~mail as to whether the application is complete. If an~~  
1184 ~~application is deemed incomplete, the authority must~~  
1185 ~~specifically identify the missing information. An application is~~  
1186 ~~deemed complete if the authority fails to provide notification~~  
1187 ~~to the applicant within 14 days.~~

1188 ~~8. An application must be processed on a nondiscriminatory~~  
1189 ~~basis. A complete application is deemed approved if an authority~~

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1190 ~~fails to approve or deny the application within 60 days after~~  
1191 ~~receipt of the application. If an authority does not use the 30-~~  
1192 ~~day negotiation period provided in subparagraph 4., the parties~~  
1193 ~~may mutually agree to extend the 60-day application review~~  
1194 ~~period. The authority shall grant or deny the application at the~~  
1195 ~~end of the extended period. A permit issued pursuant to an~~  
1196 ~~approved application shall remain effective for 1 year unless~~  
1197 ~~extended by the authority.~~

1198 ~~9. An authority must notify the applicant of approval or~~  
1199 ~~denial by electronic mail. An authority shall approve a complete~~  
1200 ~~application unless it does not meet the authority's applicable~~  
1201 ~~codes. If the application is denied, the authority must specify~~  
1202 ~~in writing the basis for denial, including the specific code~~  
1203 ~~provisions on which the denial was based, and send the~~  
1204 ~~documentation to the applicant by electronic mail on the day the~~  
1205 ~~authority denies the application. The applicant may cure the~~  
1206 ~~deficiencies identified by the authority and resubmit the~~  
1207 ~~application within 30 days after notice of the denial is sent to~~  
1208 ~~the applicant. The authority shall approve or deny the revised~~  
1209 ~~application within 30 days after receipt or the application is~~  
1210 ~~deemed approved. The review of a revised application is limited~~  
1211 ~~to the deficiencies cited in the denial. If an authority~~  
1212 ~~provides for administrative review of the denial of an~~  
1213 ~~application, the review must be complete and a written decision~~  
1214 ~~issued within 45 days after a written request for review is~~  
1215 ~~made. A denial must identify the specific code provisions on~~  
1216 ~~which the denial is based. If the administrative review is not~~  
1217 ~~complete within 45 days, the authority waives any claim~~  
1218 ~~regarding failure to exhaust administrative remedies in any~~

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1219 ~~judicial review of the denial of an application.~~

1220 ~~10. An applicant seeking to collocate small wireless~~  
1221 ~~facilities within the jurisdiction of a single authority may, at~~  
1222 ~~the applicant's discretion, file a consolidated application and~~  
1223 ~~receive a single permit for the collocation of up to 30 small~~  
1224 ~~wireless facilities. If the application includes multiple small~~  
1225 ~~wireless facilities, an authority may separately address small~~  
1226 ~~wireless facility collocations for which incomplete information~~  
1227 ~~has been received or which are denied.~~

1228 ~~11. An authority may deny an application to collocate a~~  
1229 ~~small wireless facility or place a utility pole used to support~~  
1230 ~~a small wireless facility in the public rights of way if the~~  
1231 ~~proposed small wireless facility or utility pole used to support~~  
1232 ~~a small wireless facility:~~

1233 ~~a. Materially interferes with the safe operation of traffic~~  
1234 ~~control equipment.~~

1235 ~~b. Materially interferes with sight lines or clear zones~~  
1236 ~~for transportation, pedestrians, or public safety purposes.~~

1237 ~~c. Materially interferes with compliance with the Americans~~  
1238 ~~with Disabilities Act or similar federal or state standards~~  
1239 ~~regarding pedestrian access or movement.~~

1240 ~~d. Materially fails to comply with the 2017 edition of the~~  
1241 ~~Florida Department of Transportation Utility Accommodation~~  
1242 ~~Manual.~~

1243 ~~e. Fails to comply with applicable codes.~~

1244 ~~f. Fails to comply with objective design standards~~  
1245 ~~authorized under paragraph (r).~~

1246 ~~12. An authority may adopt by ordinance provisions for~~  
1247 ~~insurance coverage, indemnification, force majeure, abandonment,~~

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1248 ~~authority liability, or authority warranties. Such provisions~~  
1249 ~~must be reasonable and nondiscriminatory. An authority may~~  
1250 ~~require a construction bond to secure restoration of the~~  
1251 ~~postconstruction rights-of-way to the preconstruction condition.~~  
1252 ~~However, such bond must be time limited to not more than 18~~  
1253 ~~months after the construction to which the bond applies is~~  
1254 ~~completed. For any financial obligation required by an authority~~  
1255 ~~allowed under this section, the authority shall accept a letter~~  
1256 ~~of credit or similar financial instrument issued by any~~  
1257 ~~financial institution that is authorized to do business within~~  
1258 ~~the United States, provided that a claim against the financial~~  
1259 ~~instrument may be made by electronic means, including by~~  
1260 ~~facsimile. A provider of communications services may add an~~  
1261 ~~authority to any existing bond, insurance policy, or other~~  
1262 ~~relevant financial instrument, and the authority must accept~~  
1263 ~~such proof of coverage without any conditions other than consent~~  
1264 ~~to venue for purposes of any litigation to which the authority~~  
1265 ~~is a party. An authority may not require a communications~~  
1266 ~~services provider to indemnify it for liabilities not caused by~~  
1267 ~~the provider, including liabilities arising from the authority's~~  
1268 ~~negligence, gross negligence, or willful conduct.~~

1269 ~~13. Collocation of a small wireless facility on an~~  
1270 ~~authority utility pole does not provide the basis for the~~  
1271 ~~imposition of an ad valorem tax on the authority utility pole.~~

1272 ~~14. An authority may reserve space on authority utility~~  
1273 ~~poles for future public safety uses. However, a reservation of~~  
1274 ~~space may not preclude collocation of a small wireless facility.~~  
1275 ~~If replacement of the authority utility pole is necessary to~~  
1276 ~~accommodate the collocation of the small wireless facility and~~

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1277 ~~the future public safety use, the pole replacement is subject to~~  
1278 ~~make-ready provisions and the replaced pole shall accommodate~~  
1279 ~~the future public safety use.~~

1280 ~~15. A structure granted a permit and installed pursuant to~~  
1281 ~~this subsection shall comply with chapter 333 and federal~~  
1282 ~~regulations pertaining to airport airspace protections.~~

1283 ~~(c) An authority may not require any permit or other~~  
1284 ~~approval or require fees or other charges, costs, or other~~  
1285 ~~exactions for:~~

1286 ~~1. Routine maintenance, the performance of service~~  
1287 ~~restoration work on existing facilities, or repair work,~~  
1288 ~~including, but not limited to, emergency repairs of existing~~  
1289 ~~facilities or extensions of such facilities for providing~~  
1290 ~~communications services to customers;~~

1291 ~~2. Replacement of existing wireless facilities with~~  
1292 ~~wireless facilities that are substantially similar or of the~~  
1293 ~~same or smaller size; or~~

1294 ~~3. Installation, placement, maintenance, or replacement of~~  
1295 ~~micro wireless facilities that are suspended on cables strung~~  
1296 ~~between existing utility poles in compliance with applicable~~  
1297 ~~codes by or for a communications services provider authorized to~~  
1298 ~~occupy the rights-of-way and who is remitting taxes under~~  
1299 ~~chapter 202. An authority may require an initial letter from or~~  
1300 ~~on behalf of such provider, which is effective upon filing,~~  
1301 ~~attesting that the micro wireless facility dimensions comply~~  
1302 ~~with the limits of this subsection. The authority may not~~  
1303 ~~require any additional filing or other information as long as~~  
1304 ~~the provider is deploying the same, a substantially similar, or~~  
1305 ~~a smaller size micro wireless facility equipment.~~

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~~Notwithstanding this paragraph, an authority may require a right-of-way permit for work that involves excavation, closure of a sidewalk, or closure of a vehicular lane or parking lane, unless the provider is performing service restoration on an existing facility and the work is done in compliance with the 2017 edition of the Florida Department of Transportation Utility Accommodation Manual. An authority may require notice of such work within 30 days after restoration and may require an after-the-fact permit for work which would otherwise have required a permit.~~

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

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

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

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

~~4. Agreements between authorities and wireless providers that are in effect on July 1, 2017, and that relate to the collocation of small wireless facilities in the right-of-way, including the collocation of small wireless facilities on authority utility poles, remain in effect, subject to applicable termination provisions. The wireless provider may accept the rates, fees, and terms established under this subsection for small wireless facilities and utility poles that are the subject~~

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1335 ~~of an application submitted after the rates, fees, and terms~~  
1336 ~~become effective.~~

1337 ~~5. A person owning or controlling an authority utility pole~~  
1338 ~~shall offer rates, fees, and other terms that comply with this~~  
1339 ~~subsection. By the later of January 1, 2018, or 3 months after~~  
1340 ~~receiving a request to collocate its first small wireless~~  
1341 ~~facility on a utility pole owned or controlled by an authority,~~  
1342 ~~the person owning or controlling the authority utility pole~~  
1343 ~~shall make available, through ordinance or otherwise, rates,~~  
1344 ~~fees, and terms for the collocation of small wireless facilities~~  
1345 ~~on the authority utility pole which comply with this subsection.~~

1346 ~~a. The rates, fees, and terms must be nondiscriminatory and~~  
1347 ~~competitively neutral and must comply with this subsection.~~

1348 ~~b. For an authority utility pole that supports an aerial~~  
1349 ~~facility used to provide communications services or electric~~  
1350 ~~service, the parties shall comply with the process for make-~~  
1351 ~~ready work under 47 U.S.C. s. 224 and implementing regulations.~~  
1352 ~~The good faith estimate of the person owning or controlling the~~  
1353 ~~pole for any make-ready work necessary to enable the pole to~~  
1354 ~~support the requested collocation must include pole replacement~~  
1355 ~~if necessary.~~

1356 ~~e. For an authority utility pole that does not support an~~  
1357 ~~aerial facility used to provide communications services or~~  
1358 ~~electric service, the authority shall provide a good faith~~  
1359 ~~estimate for any make-ready work necessary to enable the pole to~~  
1360 ~~support the requested collocation, including necessary pole~~  
1361 ~~replacement, within 60 days after receipt of a complete~~  
1362 ~~application. Make-ready work, including any pole replacement,~~  
1363 ~~must be completed within 60 days after written acceptance of the~~

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1364 ~~good faith estimate by the applicant. Alternatively, an~~  
1365 ~~authority may require the applicant seeking to collocate a small~~  
1366 ~~wireless facility to provide a make-ready estimate at the~~  
1367 ~~applicant's expense for the work necessary to support the small~~  
1368 ~~wireless facility, including pole replacement, and perform the~~  
1369 ~~make-ready work. If pole replacement is required, the scope of~~  
1370 ~~the make-ready estimate is limited to the design, fabrication,~~  
1371 ~~and installation of a utility pole that is substantially similar~~  
1372 ~~in color and composition. The authority may not condition or~~  
1373 ~~restrict the manner in which the applicant obtains, develops, or~~  
1374 ~~provides the estimate or conducts the make-ready work subject to~~  
1375 ~~usual construction restoration standards for work in the right-~~  
1376 ~~of-way. The replaced or altered utility pole shall remain the~~  
1377 ~~property of the authority.~~

1378 ~~d. An authority may not require more make-ready work than~~  
1379 ~~is required to meet applicable codes or industry standards. Fees~~  
1380 ~~for make-ready work may not include costs related to preexisting~~  
1381 ~~damage or prior noncompliance. Fees for make-ready work,~~  
1382 ~~including any pole replacement, may not exceed actual costs or~~  
1383 ~~the amount charged to communications services providers other~~  
1384 ~~than wireless services providers for similar work and may not~~  
1385 ~~include any consultant fee or expense.~~

1386 ~~(g) For any applications filed before the effective date of~~  
1387 ~~ordinances implementing this subsection, an authority may apply~~  
1388 ~~current ordinances relating to placement of communications~~  
1389 ~~facilities in the right-of-way related to registration,~~  
1390 ~~permitting, insurance coverage, indemnification, force majeure,~~  
1391 ~~abandonment, authority liability, or authority warranties.~~  
1392 ~~Permit application requirements and small wireless facility~~



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1393 ~~placement requirements, including utility pole height limits,~~  
1394 ~~that conflict with this subsection must be waived by the~~  
1395 ~~authority. An authority may not institute, either expressly or~~  
1396 ~~de facto, a moratorium, zoning-in-progress, or other mechanism~~  
1397 ~~that would prohibit or delay the filing, receiving, or~~  
1398 ~~processing of registrations, applications, or issuing of permits~~  
1399 ~~or other approvals for the collocation of small wireless~~  
1400 ~~facilities or the installation, modification, or replacement of~~  
1401 ~~utility poles used to support the collocation of small wireless~~  
1402 ~~facilities.~~

1403 ~~(h) Except as provided in this section or specifically~~  
1404 ~~required by state law, an authority may not adopt or enforce any~~  
1405 ~~regulation on the placement or operation of communications~~  
1406 ~~facilities in the rights-of-way by a provider authorized by~~  
1407 ~~state law to operate in the rights-of-way and may not regulate~~  
1408 ~~any communications services or impose or collect any tax, fee,~~  
1409 ~~or charge not specifically authorized under state law. This~~  
1410 ~~paragraph does not alter any law regarding an authority's~~  
1411 ~~ability to regulate the relocation of facilities.~~

1412 ~~(i)1. In an area where an authority has required all public~~  
1413 ~~utility lines in the rights-of-way to be placed underground, a~~  
1414 ~~wireless provider must comply with written, objective,~~  
1415 ~~reasonable, and nondiscriminatory requirements that prohibit new~~  
1416 ~~utility poles used to support small wireless facilities if:~~

1417 ~~a. The authority, at least 90 days prior to the submission~~  
1418 ~~of an application, has required all public utility lines to be~~  
1419 ~~placed underground;~~

1420 ~~b. Structures that the authority allows to remain above~~  
1421 ~~ground are reasonably available to wireless providers for the~~

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1422 ~~collocation of small wireless facilities and may be replaced by~~  
1423 ~~a wireless provider to accommodate the collocation of small~~  
1424 ~~wireless facilities; and~~

1425 ~~e. A wireless provider may install a new utility pole in~~  
1426 ~~the designated area in the right-of-way that otherwise complies~~  
1427 ~~with this subsection and it is not reasonably able to provide~~  
1428 ~~wireless service by collocating on a remaining utility pole or~~  
1429 ~~other structure in the right-of-way.~~

1430 ~~2. For small wireless facilities installed before an~~  
1431 ~~authority adopts requirements that public utility lines be~~  
1432 ~~placed underground, an authority adopting such requirements~~  
1433 ~~must:~~

1434 ~~a. Allow a wireless provider to maintain the small wireless~~  
1435 ~~facilities in place subject to any applicable pole attachment~~  
1436 ~~agreement with the pole owner; or~~

1437 ~~b. Allow the wireless provider to replace the associated~~  
1438 ~~pole within 50 feet of the prior location in accordance with~~  
1439 ~~paragraph (r).~~

1440 ~~(j) A wireless infrastructure provider may apply to an~~  
1441 ~~authority to place utility poles in the public rights-of-way to~~  
1442 ~~support the collocation of small wireless facilities. The~~  
1443 ~~application must include an attestation that small wireless~~  
1444 ~~facilities will be collocated on the utility pole or structure~~  
1445 ~~and will be used by a wireless services provider to provide~~  
1446 ~~service within 9 months after the date the application is~~  
1447 ~~approved. The authority shall accept and process the application~~  
1448 ~~in accordance with subparagraph (d)6. and any applicable codes~~  
1449 ~~and other local codes governing the placement of utility poles~~  
1450 ~~in the public rights-of-way.~~

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1451 ~~(k) This subsection does not limit a local government's~~  
1452 ~~authority to enforce historic preservation zoning regulations~~  
1453 ~~consistent with the preservation of local zoning authority under~~  
1454 ~~47 U.S.C. s. 332(c)(7), the requirements for facility~~  
1455 ~~modifications under 47 U.S.C. s. 1455(a), or the National~~  
1456 ~~Historic Preservation Act of 1966, as amended, and the~~  
1457 ~~regulations adopted to implement such laws. An authority may~~  
1458 ~~enforce local codes, administrative rules, or regulations~~  
1459 ~~adopted by ordinance in effect on April 1, 2017, which are~~  
1460 ~~applicable to a historic area designated by the state or~~  
1461 ~~authority. An authority may enforce pending local ordinances,~~  
1462 ~~administrative rules, or regulations applicable to a historic~~  
1463 ~~area designated by the state if the intent to adopt such changes~~  
1464 ~~has been publicly declared on or before April 1, 2017. An~~  
1465 ~~authority may waive any ordinances or other requirements that~~  
1466 ~~are subject to this paragraph.~~

1467 ~~(l) This subsection does not authorize a person to~~  
1468 ~~collocate or attach wireless facilities, including any antenna,~~  
1469 ~~micro wireless facility, or small wireless facility, on a~~  
1470 ~~privately owned utility pole, a utility pole owned by an~~  
1471 ~~electric cooperative or a municipal electric utility, a~~  
1472 ~~privately owned wireless support structure, or other private~~  
1473 ~~property without the consent of the property owner.~~

1474 ~~(m) The approval of the installation, placement,~~  
1475 ~~maintenance, or operation of a small wireless facility pursuant~~  
1476 ~~to this subsection does not authorize the provision of any~~  
1477 ~~voice, data, or video communications services or the~~  
1478 ~~installation, placement, maintenance, or operation of any~~  
1479 ~~communications facilities other than small wireless facilities~~

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1480 ~~in the right-of-way.~~

1481 ~~(n) This subsection does not affect provisions relating to~~  
1482 ~~pass-through providers in subsection (6).~~

1483 ~~(o) This subsection does not authorize a person to~~  
1484 ~~collocate or attach small wireless facilities or micro wireless~~  
1485 ~~facilities on a utility pole, unless otherwise permitted by~~  
1486 ~~federal law, or erect a wireless support structure in the right-~~  
1487 ~~of-way located within a retirement community that:~~

1488 ~~1. Is deed restricted as housing for older persons as~~  
1489 ~~defined in s. 760.29(4)(b);~~

1490 ~~2. Has more than 5,000 residents; and~~

1491 ~~3. Has underground utilities for electric transmission or~~  
1492 ~~distribution.~~

1493

1494 ~~This paragraph does not apply to the installation, placement,~~  
1495 ~~maintenance, or replacement of micro wireless facilities on any~~  
1496 ~~existing and duly authorized aerial communications facilities,~~  
1497 ~~provided that once aerial facilities are converted to~~  
1498 ~~underground facilities, any such collocation or construction~~  
1499 ~~shall be only as provided by the municipality's underground~~  
1500 ~~utilities ordinance.~~

1501 ~~(p) This subsection does not authorize a person to~~  
1502 ~~collocate or attach small wireless facilities or micro wireless~~  
1503 ~~facilities on a utility pole, unless otherwise permitted by~~  
1504 ~~federal law, or erect a wireless support structure in the right-~~  
1505 ~~of-way located within a municipality that:~~

1506 ~~1. Is located on a coastal barrier island as defined in s.~~  
1507 ~~161.053(1)(b)3.;~~

1508 ~~2. Has a land area of less than 5 square miles;~~

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1509 ~~3. Has fewer than 10,000 residents; and~~

1510 ~~4. Has, before July 1, 2017, received referendum approval~~  
1511 ~~to issue debt to finance municipal-wide undergrounding of its~~  
1512 ~~utilities for electric transmission or distribution.~~

1513  
1514 ~~This paragraph does not apply to the installation, placement,~~  
1515 ~~maintenance, or replacement of micro wireless facilities on any~~  
1516 ~~existing and duly authorized aerial communications facilities,~~  
1517 ~~provided that once aerial facilities are converted to~~  
1518 ~~underground facilities, any such collocation or construction~~  
1519 ~~shall be only as provided by the municipality's underground~~  
1520 ~~utilities ordinance.~~

1521 ~~(q) This subsection does not authorize a person to~~  
1522 ~~collocate small wireless facilities or micro wireless facilities~~  
1523 ~~on an authority utility pole or erect a wireless support~~  
1524 ~~structure in a location subject to covenants, conditions,~~  
1525 ~~restrictions, articles of incorporation, and bylaws of a~~  
1526 ~~homeowners' association. This paragraph does not apply to the~~  
1527 ~~installation, placement, maintenance, or replacement of micro~~  
1528 ~~wireless facilities on any existing and duly authorized aerial~~  
1529 ~~communications facilities.~~

1530 ~~(r) An authority may require wireless providers to comply~~  
1531 ~~with objective design standards adopted by ordinance. The~~  
1532 ~~ordinance may only require:~~

1533 ~~1. A new utility pole that replaces an existing utility~~  
1534 ~~pole to be of substantially similar design, material, and color;~~  
1535 ~~2. Reasonable spacing requirements concerning the location~~  
1536 ~~of a ground-mounted component of a small wireless facility which~~  
1537 ~~does not exceed 15 feet from the associated support structure;~~

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1538 ~~or~~

1539 ~~3. A small wireless facility to meet reasonable location~~  
1540 ~~context, color, camouflage, and concealment requirements,~~  
1541 ~~subject to the limitations in this subsection; and~~

1542 ~~4. A new utility pole used to support a small wireless~~  
1543 ~~facility to meet reasonable location context, color, and~~  
1544 ~~material of the predominant utility pole type at the proposed~~  
1545 ~~location of the new utility pole.~~

1546  
1547 ~~Such design standards under this paragraph may be waived by the~~  
1548 ~~authority upon a showing that the design standards are not~~  
1549 ~~reasonably compatible for the particular location of a small~~  
1550 ~~wireless facility or utility pole or are technically infeasible~~  
1551 ~~or that the design standards impose an excessive expense. The~~  
1552 ~~waiver must be granted or denied within 45 days after the date~~  
1553 ~~of the request.~~

1554 ~~(8) (a) Any person aggrieved by a violation of this section~~  
1555 ~~may bring a civil action in a United States District Court or in~~  
1556 ~~any other court of competent jurisdiction.~~

1557 ~~(b) The court may:~~

1558 ~~1. Grant temporary or permanent injunctions on terms as it~~  
1559 ~~may deem reasonable to prevent or restrain violations of this~~  
1560 ~~section; and~~

1561 ~~2. Direct the recovery of full costs, including awarding~~  
1562 ~~reasonable attorney fees, to the party who prevails.~~

1563 ~~(9) All work in the authority's rights-of-way under this~~  
1564 ~~section must comply with the 2017 edition of the Florida~~  
1565 ~~Department of Transportation Utility Accommodation Manual.~~

1566 Section 23. Paragraphs (a) through (e), (k), and (l) of

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1567 subsection (2) and subsections (4) and (6) of section 350.81,  
1568 Florida Statutes, are amended to read:

1569 350.81 Communications services offered by governmental  
1570 entities.—

1571 (2) (a) A governmental entity that proposes to provide a  
1572 communications service shall hold no less than two public  
1573 hearings, ~~which shall be held not less than 30 days apart. At~~  
1574 ~~least 30 days before the first of the two public hearings,~~ The  
1575 governmental entity must give notice of the hearing in the  
1576 predominant newspaper of general circulation in the area  
1577 considered for service. At least 40 days before the first public  
1578 hearing, the governmental entity must electronically provide  
1579 notice to the Department of Revenue and the Public Service  
1580 Commission, which shall post the notice on the department's and  
1581 the commission's website to be available to the public. ~~The~~  
1582 ~~Department of Revenue shall also send the notice by United~~  
1583 ~~States Postal Service to the known addresses for all dealers of~~  
1584 ~~communications services registered with the department under~~  
1585 ~~chapter 202 or provide an electronic notification, if the means~~  
1586 ~~are available, within 10 days after receiving the notice. The~~  
1587 notice must include the time and place of the hearings and must  
1588 state that the purpose of the hearings is to consider whether  
1589 the governmental entity will provide communications services.  
1590 The notice must include, at a minimum, the geographic areas  
1591 proposed to be served by the governmental entity ~~and the~~  
1592 ~~services, if any, which the governmental entity believes are not~~  
1593 ~~currently being adequately provided. The notice must also state~~  
1594 ~~that any dealer who wishes to do so may appear and be heard at~~  
1595 ~~the public hearings.~~

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1596 (b) At a public hearing required by this subsection, a  
1597 governmental entity must, at a minimum, consider:

1598 1. Whether the service that is proposed to be provided is  
1599 currently being offered in the community and, if so, whether the  
1600 service is generally available throughout the community.

1601 ~~2. Whether a similar service is currently being offered in~~  
1602 ~~the community and, if so, whether the service is generally~~  
1603 ~~available throughout the community.~~

1604 ~~3. If the same or similar service is not currently offered,~~  
1605 ~~whether any other service provider proposes to offer the same or~~  
1606 ~~a similar service and, if so, what assurances that service~~  
1607 ~~provider is willing or able to offer regarding the same or~~  
1608 ~~similar service.~~

1609 3.4. The capital investment required by the government  
1610 entity to provide the communications service, the estimated  
1611 realistic cost of operation and maintenance and, using a full  
1612 cost-accounting method, the estimated realistic revenues and  
1613 expenses of providing the service and the proposed method of  
1614 financing.

1615 ~~4.5.~~ The private and public costs and benefits of providing  
1616 the service ~~by a private entity or a governmental entity,~~  
1617 ~~including the affect on existing and future jobs, actual~~  
1618 ~~economic development prospects, tax base growth, education, and~~  
1619 ~~public health.~~

1620 (c) At one or more of the public hearings under this  
1621 subsection, the governmental entity must make available to the  
1622 public a ~~written business plan for the proposed communications~~  
1623 ~~service venture containing, at a minimum:~~

1624 ~~1. The projected number of subscribers to be served by the~~



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1625 ~~venture.~~

1626 ~~2. The geographic area to be served by the venture.~~

1627 ~~3. The types of communications services to be provided.~~

1628 ~~4. A plan to ensure that revenues exceed operating expenses~~  
1629 ~~and payment of principal and interest on debt within 4 years.~~

1630 ~~5. Estimated capital and operational costs and revenues for~~  
1631 ~~the first 4 years.~~

1632 ~~6. Projected network modernization and technological~~  
1633 ~~upgrade plans, including estimated costs.~~

1634 ~~(d) After making specific findings regarding the factors in~~  
1635 ~~paragraphs (b) and (c),~~ The governmental entity may authorize  
1636 providing a communications service by a majority recorded vote  
1637 and by resolution, ordinance, or other formal means of adoption.

1638 ~~(e)~~1. The governing body of a governmental entity may issue  
1639 one or more bonds to finance the capital costs for facilities to  
1640 provide a communications service. ~~However:~~

1641 ~~1. A governmental entity may only pledge revenues in~~  
1642 ~~support of the issuance of any bond to finance providing a~~  
1643 ~~communications service:~~

1644 ~~a. Within the county in which the governmental entity is~~  
1645 ~~located;~~

1646 ~~b. Within an area in which the governmental entity provides~~  
1647 ~~electric service outside its home county under an electric~~  
1648 ~~service territorial agreement approved by the Public Service~~  
1649 ~~Commission before the effective date of this act; or~~

1650 ~~c. If the governmental entity is a municipality or special~~  
1651 ~~district, within its corporate limits or in an area in which the~~  
1652 ~~municipality or special district provides water, wastewater,~~  
1653 ~~electric, or natural gas service, or within an urban service~~

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1654 ~~area designated in a comprehensive plan, whichever is larger,~~  
1655 ~~unless the municipality or special district obtains the consent~~  
1656 ~~by formal action of the governmental entity within the~~  
1657 ~~boundaries of which the municipality or special district~~  
1658 ~~proposes to provide service. For consent to be effective, any~~  
1659 ~~governmental entity from which consent is sought shall be~~  
1660 ~~located within the county in which the governmental entity is~~  
1661 ~~located or that county.~~

1662       2. Revenue bonds issued in order to finance providing a  
1663 communications service are not subject to the approval of the  
1664 electors if the revenue bonds mature within 15 years. Revenue  
1665 bonds issued to finance providing a communications service that  
1666 does not mature within 15 years must be approved by the  
1667 electors. The election must be conducted as specified in chapter  
1668 100.

1669       (k) The governmental entity shall conduct an annual review  
1670 at a formal public meeting to consider the progress the  
1671 governmental entity is making toward reaching its ~~business~~ plan  
1672 goals and objectives for providing communication services. At  
1673 the public meeting the governmental entity shall review the  
1674 related revenues, operating expenses, and payment of interest on  
1675 debt.

1676       ~~(l) If, after 4 years following the initiation of the~~  
1677 ~~provision of communications services by a governmental entity or~~  
1678 ~~4 years after the effective date of this act, whichever is~~  
1679 ~~later, revenues do not exceed operating expenses and payment of~~  
1680 ~~principal and interest on the debt for a governmental entity's~~  
1681 ~~provision of communications services, no later than 60 days~~  
1682 ~~following the end of the 4-year period a governmental entity~~

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1683 shall hold a public hearing at which the governmental entity  
1684 shall do at least one of the following:

1685 1. Approve a plan to cease providing communications  
1686 services;

1687 2. Approve a plan to dispose of the system the governmental  
1688 entity is using to provide communications services and,  
1689 accordingly, to cease providing communications services;

1690 3. Approve a plan to create a partnership with a private  
1691 entity in order to achieve operations in which revenues exceed  
1692 operating expenses and payment of principal and interest on  
1693 debt; or

1694 4. Approve the continuing provision of communications  
1695 services by a majority vote of the governing body of the  
1696 governing authority.

1697 (4) (a) If a governmental entity was providing, as of April  
1698 1, 2005, advanced services, cable services, or  
1699 telecommunications services, then it is not required to comply  
1700 with paragraph (2) (a), paragraph (2) (b), paragraph (2) (c),  
1701 paragraph (2) (d), sub-subparagraph (2) (e) 1.c., paragraph (2) (f),  
1702 or paragraph (2) (k) in order to continue to provide advanced  
1703 services, cable services, or telecommunications services,  
1704 respectively, but it must comply with and be subject to all  
1705 other provisions of this section.

1706 (b) If a governmental entity, as of April 1, 2005, had  
1707 issued debt pledging revenues from an advanced service, cable  
1708 service, or telecommunications service, then it is not required  
1709 to comply with paragraph (2) (a), paragraph (2) (b), paragraph  
1710 (2) (c), paragraph (2) (d), sub-subparagraph (2) (e) 1.c., paragraph  
1711 (2) (f), or paragraph (2) (k) in order to provide advanced

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1712 ~~services, cable services, or telecommunications services,~~  
1713 ~~respectively, but~~ it must comply with and be subject to all  
1714 other provisions of this section.

1715 (c) If a governmental entity, as of April 1, 2005, has  
1716 purchased equipment specifically for the provisioning of  
1717 advanced service, cable service, or telecommunication service,  
1718 and, as of May 6, 2005, has a population of less than 7,500, and  
1719 has authorized by formal action the providing of an advanced  
1720 service, cable service, or telecommunication service, then ~~it is~~  
1721 ~~not required to comply with paragraph (2) (a), paragraph (2) (b),~~  
1722 ~~paragraph (2) (c), paragraph (2) (d), sub-subparagraph (2) (e) 1.c.,~~  
1723 ~~paragraph (2) (f), or paragraph (2) (k) in order to provide~~  
1724 ~~advanced service, cable service, or telecommunication service,~~  
1725 ~~respectively, but~~ it must comply with and be subject to all  
1726 other provisions of this section.

1727  
1728 This subsection does not relieve a governmental entity from  
1729 complying with subsection (5).

1730 (6) To ensure the safe and secure transportation of  
1731 passengers and freight through an airport facility, as defined  
1732 in s. 159.27(17), an airport authority or other governmental  
1733 entity that provides or is proposing to provide communications  
1734 services only within the boundaries of its airport layout plan,  
1735 as defined in s. 333.01(6), to subscribers ~~which are integral~~  
1736 ~~and essential~~ to the ~~safe and~~ secure transportation of  
1737 passengers and freight through the airport facility, is exempt  
1738 from this section. An airport authority or other governmental  
1739 entity that provides or is proposing to provide shared-tenant  
1740 service under s. 364.339, but not dial tone enabling subscribers

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1741 to complete calls outside the airport layout plan, to one or  
1742 more subscribers within its airport layout plan which are not  
1743 integral and essential to the safe and secure transportation of  
1744 passengers and freight through the airport facility is exempt  
1745 from this section. ~~An airport authority or other governmental~~  
1746 ~~entity that provides or is proposing to provide communications~~  
1747 ~~services to one or more subscribers within its airport layout~~  
1748 ~~plan which are not integral and essential to the safe and secure~~  
1749 ~~transportation of passengers and freight through the airport~~  
1750 ~~facility, or to one or more subscribers outside its airport~~  
1751 ~~layout plan, is not exempt from this section. By way of example~~  
1752 ~~and not limitation, the integral, essential subscribers may~~  
1753 ~~include airlines and emergency service entities, and the~~  
1754 ~~nonintegral, nonessential subscribers may include retail shops,~~  
1755 ~~restaurants, hotels, or rental car companies.~~

1756 Section 24. Section 366.032, Florida Statutes, is repealed.

1757 Section 25. Section 377.707, Florida Statutes, is repealed.

1758 Section 26. Subsection (9) of section 403.412, Florida  
1759 Statutes, is amended to read:

1760 403.412 Environmental Protection Act.—

1761 ~~(9) (a) A local government regulation, ordinance, code,~~  
1762 ~~rule, comprehensive plan, charter, or any other provision of law~~  
1763 ~~may not recognize or grant any legal rights to a plant, an~~  
1764 ~~animal, a body of water, or any other part of the natural~~  
1765 ~~environment that is not a person or political subdivision as~~  
1766 ~~defined in s. 1.01(8) or grant such person or political~~  
1767 ~~subdivision any specific rights relating to the natural~~  
1768 ~~environment not otherwise authorized in general law or~~  
1769 ~~specifically granted in the State Constitution.~~

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1770 ~~(b) This subsection does not limit the power of an~~  
1771 ~~adversely affected party to challenge the consistency of a~~  
1772 ~~development order with a comprehensive plan as provided in s.~~  
1773 ~~163.3215 or to file an action for injunctive relief to enforce~~  
1774 ~~the terms of a development agreement or challenge compliance of~~  
1775 ~~the agreement as provided in s. 163.3243.~~

1776 ~~(c) This subsection does not limit the standing of the~~  
1777 ~~Department of Legal Affairs, a political subdivision or~~  
1778 ~~municipality of the state, or a citizen of the state to maintain~~  
1779 ~~an action for injunctive relief as provided in this section.~~

1780 Section 27. Section 403.7033, Florida Statutes, is amended  
1781 to read:

1782 403.7033 Departmental analysis of particular recyclable  
1783 materials.—The Legislature finds that prudent regulation of  
1784 recyclable materials is crucial to the ongoing welfare of  
1785 Florida's ecology and economy. As such, the Department of  
1786 Environmental Protection shall review and update its 2010 report  
1787 on retail bags analyzing the need for new or different  
1788 regulation of auxiliary containers, wrappings, or disposable  
1789 plastic bags used by consumers to carry products from retail  
1790 establishments. The updated report must include input from state  
1791 and local government agencies, stakeholders, private businesses,  
1792 and citizens and must evaluate the efficacy and necessity of  
1793 both statewide and local regulation of these materials. To  
1794 ensure consistent and effective implementation, the department  
1795 shall submit the updated report with conclusions and  
1796 recommendations to the Legislature no later than December 31,  
1797 2021. ~~Until such time that the Legislature adopts the~~  
1798 ~~recommendations of the department, a local government, local~~

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1799 ~~governmental agency, or state governmental agency may not enact~~  
1800 ~~any rule, regulation, or ordinance regarding use, disposition,~~  
1801 ~~sale, prohibition, restriction, or tax of such auxiliary~~  
1802 ~~containers, wrappings, or disposable plastic bags.~~

1803 Section 28. Paragraph (a) of subsection (4) of section  
1804 489.117, Florida Statutes, is amended to read:

1805 489.117 Registration; specialty contractors.—

1806 (4) (a) A person whose job scope does not substantially  
1807 correspond to either the job scope of one of the contractor  
1808 categories defined in s. 489.105(3) (a)-(o), or the job scope of  
1809 one of the certified specialty contractor categories established  
1810 by board rule, is not required to register with the board. ~~A~~  
1811 ~~local government, as defined in s. 163.211, may not require a~~  
1812 ~~person to obtain a license for a job scope which does not~~  
1813 ~~substantially correspond to the job scope of one of the~~  
1814 ~~contractor categories defined in s. 489.105(3) (a)-(o) and (q) or~~  
1815 ~~authorized in s. 489.1455(1). For purposes of this section, job~~  
1816 ~~scopes for which a local government may not require a license~~  
1817 ~~include, but are not limited to, painting; flooring; cabinetry;~~  
1818 ~~interior remodeling; driveway or tennis court installation;~~  
1819 ~~handyman services; decorative stone, tile, marble, granite, or~~  
1820 ~~terrazzo installation; plastering; stuccoing; caulking; and~~  
1821 ~~canvas awning and ornamental iron installation.~~

1822 Section 29. Subsection (1) of section 489.1455, Florida  
1823 Statutes, is amended to read:

1824 489.1455 Journeyman; reciprocity; standards.—

1825 ~~(1) Counties and municipalities are authorized to issue~~  
1826 ~~journeyman licenses in the plumbing, pipe fitting, mechanical,~~  
1827 ~~or HVAC trades.~~

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1828 Section 30. Subsection (1) of section 489.5335, Florida  
1829 Statutes, is amended to read:

1830 489.5335 Journeyman; reciprocity; standards.—

1831 ~~(1) Counties and municipalities are authorized to issue~~  
1832 ~~journeyman licenses in the electrical and alarm system trades.~~

1833 Section 31. Subsection (7) of section 499.002, Florida  
1834 Statutes, is amended to read:

1835 499.002 Purpose, administration, and enforcement of and  
1836 exemption from this part.—

1837 ~~(7) Notwithstanding any other law or local ordinance or~~  
1838 ~~regulation to the contrary, the regulation of over the counter~~  
1839 ~~proprietary drugs and cosmetics is expressly preempted to the~~  
1840 ~~state.~~

1841 Section 32. Section 500.90, Florida Statutes, is repealed.

1842 Section 33. Subsection (4) of section 790.251, Florida  
1843 Statutes, is amended to read:

1844 790.251 Protection of the right to keep and bear arms in  
1845 motor vehicles for self-defense and other lawful purposes;  
1846 prohibited acts; duty of public and private employers; immunity  
1847 from liability; enforcement.—

1848 (4) PROHIBITED ACTS.—No public or private employer may  
1849 violate the constitutional rights of any customer, employee, or  
1850 invitee as provided in paragraphs (a)-(e):

1851 (a) No public or private employer may prohibit any  
1852 customer, employee, or invitee from possessing any legally owned  
1853 firearm when such firearm is lawfully possessed and locked  
1854 inside or locked to a private motor vehicle in a parking lot and  
1855 when the customer, employee, or invitee is lawfully in such  
1856 area.



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1857 (b) No public or private employer may violate the privacy  
1858 rights of a customer, employee, or invitee by verbal or written  
1859 inquiry regarding the presence of a firearm inside or locked to  
1860 a private motor vehicle in a parking lot or by an actual search  
1861 of a private motor vehicle in a parking lot to ascertain the  
1862 presence of a firearm within the vehicle. Further, no public or  
1863 private employer may take any action against a customer,  
1864 employee, or invitee based upon verbal or written statements of  
1865 any party concerning possession of a firearm stored inside a  
1866 private motor vehicle in a parking lot for lawful purposes. A  
1867 search of a private motor vehicle in the parking lot of a public  
1868 or private employer to ascertain the presence of a firearm  
1869 within the vehicle may only be conducted by on-duty law  
1870 enforcement personnel, based upon due process and must comply  
1871 with constitutional protections.

1872 (c) No public or private employer shall condition  
1873 employment upon either:

1874 1. The fact that an employee or prospective employee holds  
1875 or does not hold a license issued pursuant to s. 790.06; or

1876 2. Any agreement by an employee or a prospective employee  
1877 that prohibits an employee from keeping a legal firearm locked  
1878 inside or locked to a private motor vehicle in a parking lot  
1879 when such firearm is kept for lawful purposes.

1880 (d) No public or private employer shall prohibit or attempt  
1881 to prevent any customer, employee, or invitee from entering the  
1882 parking lot of the employer's place of business because the  
1883 customer's, employee's, or invitee's private motor vehicle  
1884 contains a legal firearm being carried for lawful purposes, that  
1885 is out of sight within the customer's, employee's, or invitee's

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1886 private motor vehicle.

1887 (e) No public or private employer may terminate the  
1888 employment of or otherwise discriminate against an employee, or  
1889 expel a customer or invitee for exercising his or her  
1890 constitutional right to keep and bear arms or for exercising the  
1891 right of self-defense as long as a firearm is never exhibited on  
1892 company property for any reason other than lawful defensive  
1893 purposes.

1894  
1895 This subsection applies to all public sector employers,  
1896 ~~including those already prohibited from regulating firearms~~  
1897 ~~under the provisions of s. 790.33.~~

1898 Section 34. Section 569.0025, Florida Statutes, is  
1899 repealed.

1900 Section 35. Section 569.315, Florida Statutes, is repealed.

1901 Section 36. Section 790.33, Florida Statutes, is repealed.

1902 Section 37. Subsection (41) of section 570.07, Florida  
1903 Statutes, is amended to read:

1904 570.07 Department of Agriculture and Consumer Services;  
1905 functions, powers, and duties.—The department shall have and  
1906 exercise the following functions, powers, and duties:

1907 ~~(41) (a) Except as otherwise provided in paragraph (b), to~~  
1908 ~~exercise the exclusive authority to regulate the sale,~~  
1909 ~~composition, packaging, labeling, wholesale and retail~~  
1910 ~~distribution, and formulation, including nutrient content level~~  
1911 ~~and release rates, of fertilizer under chapter 576. This~~  
1912 ~~subsection expressly preempts such regulation of fertilizer to~~  
1913 ~~the state.~~

1914 ~~(b) An ordinance regulating the sale of fertilizer adopted~~

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1915 ~~by a county or municipal government before July 1, 2011, is~~  
1916 ~~exempt from this subsection, and the county or municipal~~  
1917 ~~government may enforce such ordinance within its respective~~  
1918 ~~jurisdiction.~~

1919 Section 38. Chapter 908, Florida Statutes, consisting of  
1920 ss. 908.101, 908.102, 908.103, 908.104, 908.105, 908.106,  
1921 908.107, 908.108, and 908.109, Florida Statutes, is repealed.

1922 Section 39. This act shall take effect on the effective  
1923 date of the amendment to the State Constitution proposed by SJR  
1924 152 or a similar joint resolution having substantially the same  
1925 specific intent and purpose, if such amendment to the State  
1926 Constitution is approved at the general election held in  
1927 November 2022 or at an earlier special election specifically  
1928 authorized by law for that purpose.