

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 government 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 and
15 municipalities to provide incentives to fully offset
16 costs of certain affordable housing contributions or
17 linkage fees; amending s. 125.421, F.S.; removing
18 provisions which require counties and entities of
19 local government to pay ad valorem taxes or fees under
20 specified conditions on certain telecommunications
21 facilities; removing a waiver on immunity on taxation
22 of property for counties or entities of local
23 government under such circumstances; repealing s.
24 163.045, F.S., relating to the pruning, trimming, or
25 removal of trees on residential property; repealing

26 | 163.211, F.S., relating to licensing of occupations
 27 | preempted to the state; amending s. 163.31801, F.S.;
 28 | removing provisions which provide limitations on
 29 | impact fee increases; repealing s. 163.3205, F.S.,
 30 | relating to a solar facility approval process;
 31 | amending s. 166.04151, F.S.; removing provisions which
 32 | require counties and municipalities to provide
 33 | incentives to fully offset costs of certain affordable
 34 | housing contributions or linkage fees; amending s.
 35 | 166.043, F.S.; removing provisions which require local
 36 | government measures that impose rent controls to
 37 | expire within a specified time period unless such
 38 | measures are extended or renewed in accordance with
 39 | law; amending s. 166.047, F.S.; removing provisions
 40 | which require municipalities and entities of local
 41 | government to pay ad valorem taxes or fees under
 42 | specified conditions on certain telecommunications
 43 | facilities; removing a waiver on immunity on taxation
 44 | of property for municipalities or entities of local
 45 | government under such circumstances; amending s.
 46 | 166.241, F.S.; removing provisions authorizing
 47 | specified elected officials to file an appeal to the
 48 | Administration Commission if the governing body of a
 49 | municipality makes a specified reduction to the
 50 | operating budget of the municipal law enforcement

51 agency; removing provisions requiring the petition to
52 contain specified information; removing provisions
53 which require the Executive Office of the Governor to
54 conduct a budget hearing considering the matter and
55 make findings and recommendations to the
56 Administration Commission; removing provisions
57 requiring the commission to approve, amend, or modify
58 the municipality's budget; amending ss. 196.012,
59 199.183, and 212.08, F.S.; removing provisions that
60 prohibit property and use of two-way
61 telecommunications services under specified
62 circumstances from receiving certain tax exemptions;
63 repealing s. 218.077, F.S., relating to wage and
64 employment benefits requirements by political
65 subdivisions and restrictions thereon; amending s.
66 252.35, F.S.; removing provisions which provide
67 limitations on the timeframe for delegation of certain
68 authorities by the division; amending s. 252.38, F.S.;
69 removing provisions specifying requirements for the
70 purpose and scope of emergency orders; removing
71 provisions which provide for the automatic expiration
72 of emergency orders; removing provisions authorizing
73 the extension of emergency orders by a majority vote
74 of the governing body for a specified duration;
75 removing provisions authorizing the Governor to

76 | invalidate certain emergency orders; removing
77 | provisions that prohibit the issuance of certain
78 | emergency orders; amending s. 252.46, F.S.; removing
79 | provisions which provide that a failure by a political
80 | subdivision to file certain orders and rules with
81 | specified entities within a specified timeframe voids
82 | the issued orders or rules; repealing 311.25, F.S.,
83 | relating to Florida seaports and local ballot
84 | initiatives and referendums; amending 331.502, F.S.;
85 | conforming a provision to changes made by the act;
86 | amending s. 337.401, F.S.; removing certain
87 | communications services lines as items over which
88 | certain governmental entities are authorized to
89 | prescribe and enforce reasonable rules and
90 | regulations; removing time restrictions placed upon
91 | certain counties and municipalities for processing
92 | certain permit applications; removing provisions that
93 | specify limitations and prohibitions on municipalities
94 | and counties relating to registrations and renewals of
95 | communications services providers; removing provisions
96 | that authorize municipalities and counties to require
97 | certain information as part of a registration;
98 | removing provisions that prohibit municipalities and
99 | counties from requiring a payment of fees, costs, or
100 | charges for provider registration or renewal; removing

101 provisions that prohibit municipalities and counties
102 from adopting or enforcing certain ordinances, rules,
103 or requirements; removing limitations on municipal and
104 county authority to regulate and manage municipal and
105 county roads or rights-of-way; removing provisions
106 that prohibit certain municipalities and counties from
107 imposing permit fees; removing provisions that specify
108 activities for which permit fees may not be imposed;
109 removing the requirement that enforcement of certain
110 ordinances must be suspended until certain conditions
111 are met; removing a condition for certain in-kind
112 compensation; revising items over which municipalities
113 and counties may exercise regulatory control; removing
114 provisions for requirements relating to right-of-way
115 permits; removing provisions relating to municipal and
116 county authority over pass-through providers; removing
117 references to, and administration and provisions of,
118 the Advanced Wireless Infrastructure Deployment Act;
119 removing a provision authorizing a civil action for
120 specified violations; removing certain actions a court
121 may take; removing provisions that require that work
122 in certain authority rights-of-way must comply with a
123 specified document; amending s. 350.81, F.S.; removing
124 provisions that identify procedures which must be
125 followed by governmental entities before providing

126 | communications services; removing provisions relating
127 | to the use of certain revenues to issue bonds to
128 | finance communications services; removing provisions
129 | which provide certain procedures if revenues do not
130 | exceed operating costs after a specified time period;
131 | removing provisions exempting certain governmental
132 | entities from certain requirements relating to
133 | telecommunications services; removing a provision
134 | specifying that certain airport authorities or other
135 | governmental entities are not exempt from certain
136 | procedural requirements relating to telecommunications
137 | services; repealing s. 366.032, F.S., relating to
138 | preemption over utility service restrictions;
139 | repealing s. 377.707, F.S., relating to express
140 | preemption of fuel retailers and related
141 | transportation infrastructure; amending s. 403.412,
142 | F.S.; repealing provisions which prohibit local
143 | governments from recognizing or granting certain legal
144 | rights to the natural environment or granting such
145 | rights relating to the natural environment to a person
146 | or political subdivision; amending s. 403.7033, F.S.;
147 | removing the prohibition of local laws relating to the
148 | regulation of auxiliary containers, wrappings, and
149 | disposable plastic bags; amending ss. 489.117,
150 | 489.1455, and 489.5335, F.S.; conforming provisions to

151 changes made by the act; amending s. 499.002, F.S.;

152 removing a provision that preempts the regulation of

153 over-the-counter proprietary drugs and cosmetics to

154 the state; repealing s. 500.90, F.S., relating to the

155 preemption of local laws relating to the use or sale

156 of polystyrene products to the Department of

157 Agriculture and Consumer Services; repealing s.

158 569.0025, F.S., relating to preemption of the

159 regulation of tobacco products to the state; repealing

160 s. 569.315, F.S., relating to preemption of the

161 regulation of nicotine products to the state; amending

162 s. 570.07, F.S.; removing provisions which preempt the

163 regulation of fertilizer to the state; repealing s.

164 790.33, F.S., relating to the preemption of the field

165 of regulation of firearms and ammunition to the

166 Legislature, to the exclusion of local jurisdictions;

167 amending s. 790.251, F.S.; conforming a provision to

168 changes made by the act; repealing ch. 908, F.S,

169 consisting of ss. 908.101, 908.102, 908.103, 908.104,

170 908.105, 908.106, 908.107, 908.108, and 908.109, F.S.,

171 relating to legislative findings and intent,

172 definitions, a prohibition on sanctuary policies,

173 cooperation with federal authorities, duties relating

174 to immigration detainers, reimbursement of costs,

175 enforcement, education records, and a prohibition on

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176 discrimination, respectively; providing a contingent
 177 effective date.

178

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

180

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

183 106.08 Contributions; limitations on.—

184 ~~(11) (a) A county, a municipality, or any other local~~
 185 ~~governmental entity is expressly preempted from enacting or~~
 186 ~~adopting:~~

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

189 ~~2. Any limitation or restriction involving contributions~~
 190 ~~to a political committee or an electioneering communications~~
 191 ~~organization; or~~

192 ~~3. Any limitation or restriction on expenditures for an~~
 193 ~~electioneering communication or an independent expenditure.~~

194 ~~(b) Any existing or future limitation or restriction~~
 195 ~~enacted or adopted by a county, a municipality, or any other~~
 196 ~~local governmental entity which is in conflict with this~~
 197 ~~subsection is void.~~

198 Section 2. Subsection (3) of section 125.0103, Florida
 199 Statutes, is amended to read:

200 125.0103 Ordinances and rules imposing price controls;

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201 findings required; procedures.—

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

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

209 125.01055 Affordable housing.—

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

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

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

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

222 Section 4. Section 125.421, Florida Statutes, is amended
223 to read:

224 125.421 Telecommunications services.—A telecommunications
225 company that is a county or other entity of local government may

226 obtain or hold a certificate required by chapter 364, and the
 227 obtaining or holding of said certificate serves a public purpose
 228 ~~only~~ if the county or other entity of local government:

229 (1) Separately accounts for the revenues, expenses,
 230 property, and source of investment dollars associated with the
 231 provision of such service; and

232 (2) Is subject, without exemption, to all local
 233 requirements applicable to telecommunications companies. ~~;~~ and

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

244
 245 This section does not apply to the provision of
 246 telecommunications services for internal operational needs of a
 247 county or other entity of local government. This section does
 248 not apply to the provision of internal information services,
 249 including, but not limited to, tax records, engineering records,
 250 and property records, by a county or other entity of local

251 government to the public for a fee.

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

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

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

256 163.31801 Impact fees; short title; intent; minimum
257 requirements; audits; challenges.—

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

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

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

268 ~~(c) An increase to a current impact fee rate which exceeds~~
269 ~~25 percent but is not more than 50 percent of the current rate~~
270 ~~must be implemented in four equal installments beginning with~~
271 ~~the date the increased fee is adopted.~~

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

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

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

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

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

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

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

297 ~~(h) This subsection operates retroactively to January 1,~~
298 ~~2021.~~

299 Section 8. Section 163.3205, Florida Statutes, is
300 repealed.

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

303 166.04151 Affordable housing.—

304 ~~(4) In exchange for a developer fulfilling the~~
 305 ~~requirements of subsection (2) or, for residential or mixed-use~~
 306 ~~residential development, the requirements of subsection (3), a~~
 307 ~~municipality must provide incentives to fully offset all costs~~
 308 ~~to the developer of its affordable housing contribution or~~
 309 ~~linkage fee. Such incentives may include, but are not limited~~
 310 ~~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) of section 166.043, Florida
 318 Statutes, is amended to read:

319 166.043 Ordinances and rules imposing price controls;
 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 Section 11. Section 166.047, Florida Statutes, is amended
 327 to read:

328 166.047 Telecommunications services.—A telecommunications
 329 company that is a municipality or other entity of local
 330 government may obtain or hold a certificate required by chapter
 331 364, and the obtaining or holding of said certificate serves a
 332 municipal or public purpose under the provision of s. 2(b), Art.
 333 VIII of the State Constitution, only if the municipality or
 334 other entity of local government:

335 (1) Separately accounts for the revenues, expenses,
 336 property, and source of investment dollars associated with the
 337 provision of such services; and

338 (2) Is subject, without exemption, to all local
 339 requirements applicable to telecommunications companies. ~~;~~ and

340 ~~(3) Notwithstanding any other provision of law, pays, on~~
 341 ~~its telecommunications facilities used to provide two-way~~
 342 ~~telecommunications services to the public for hire and for which~~
 343 ~~a certificate is required pursuant to chapter 364, ad valorem~~
 344 ~~taxes, or fees in amounts equal thereto, to any taxing~~
 345 ~~jurisdiction in which the municipality or other entity of local~~
 346 ~~government operates. Any entity of local government may pay and~~
 347 ~~impose such ad valorem taxes or fees.~~

348
 349 This section does not apply to the provision of
 350 telecommunications services for internal operational needs of a

351 municipality or other entity of local government. This section
 352 does not apply to the provision of internal information
 353 services, including, but not limited to, tax records,
 354 engineering records, and property records, by a municipality or
 355 other entity of local government to the public for a fee.

356 Section 12. Subsections (6), (7), and (8) of section
 357 166.241, Florida Statutes, are renumbered as subsections (4),
 358 (5), and (6), respectively, and present subsections (4), (5),
 359 and (8) of that section are amended, to read:

360 166.241 Fiscal years, budgets, appeal of municipal law
 361 enforcement agency budget, and budget amendments.—

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

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376 ~~The petition shall be filed with the Executive Office of the~~
377 ~~Governor and a copy served upon the governing body of the~~
378 ~~municipality or to the clerk of the circuit court of the county~~
379 ~~in which the municipality is located.~~

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

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

395 (6)~~(8)~~ If the governing body of a municipality amends the
396 budget pursuant to paragraph (5) (c) ~~(7) (e)~~, the adopted
397 amendment must be posted on the official website of the
398 municipality within 5 days after adoption and must remain on the
399 website for at least 2 years. If the municipality does not
400 operate an official website, the municipality must, within a

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401 reasonable period of time as established by the county or
402 counties in which the municipality is located, transmit the
403 adopted amendment to the manager or administrator of such county
404 or counties who shall post the adopted amendment on the county's
405 website.

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

408 196.012 Definitions.—For the purpose of this chapter, the
409 following terms are defined as follows, except where the context
410 clearly indicates otherwise:

411 (6) Governmental, municipal, or public purpose or function
412 shall be deemed to be served or performed when the lessee under
413 any leasehold interest created in property of the United States,
414 the state or any of its political subdivisions, or any
415 municipality, agency, special district, authority, or other
416 public body corporate of the state is demonstrated to perform a
417 function or serve a governmental purpose which could properly be
418 performed or served by an appropriate governmental unit or which
419 is demonstrated to perform a function or serve a purpose which
420 would otherwise be a valid subject for the allocation of public
421 funds. For purposes of the preceding sentence, an activity
422 undertaken by a lessee which is permitted under the terms of its
423 lease of real property designated as an aviation area on an
424 airport layout plan which has been approved by the Federal
425 Aviation Administration and which real property is used for the

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426 administration, operation, business offices and activities
427 related specifically thereto in connection with the conduct of
428 an aircraft full service fixed base operation which provides
429 goods and services to the general aviation public in the
430 promotion of air commerce shall be deemed an activity which
431 serves a governmental, municipal, or public purpose or function.
432 Any activity undertaken by a lessee which is permitted under the
433 terms of its lease of real property designated as a public
434 airport as defined in s. 332.004(14) by municipalities,
435 agencies, special districts, authorities, or other public bodies
436 corporate and public bodies politic of the state, a spaceport as
437 defined in s. 331.303, or which is located in a deepwater port
438 identified in s. 403.021(9) (b) and owned by one of the foregoing
439 governmental units, subject to a leasehold or other possessory
440 interest of a nongovernmental lessee that is deemed to perform
441 an aviation, airport, aerospace, maritime, or port purpose or
442 operation shall be deemed an activity that serves a
443 governmental, municipal, or public purpose. The use by a lessee,
444 licensee, or management company of real property or a portion
445 thereof as a convention center, visitor center, sports facility
446 with permanent seating, concert hall, arena, stadium, park, or
447 beach is deemed a use that serves a governmental, municipal, or
448 public purpose or function when access to the property is open
449 to the general public with or without a charge for admission. If
450 property deeded to a municipality by the United States is

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451 subject to a requirement that the Federal Government, through a
452 schedule established by the Secretary of the Interior, determine
453 that the property is being maintained for public historic
454 preservation, park, or recreational purposes and if those
455 conditions are not met the property will revert back to the
456 Federal Government, then such property shall be deemed to serve
457 a municipal or public purpose. The term "governmental purpose"
458 also includes a direct use of property on federal lands in
459 connection with the Federal Government's Space Exploration
460 Program or spaceport activities as defined in s. 212.02(22).
461 Real property and tangible personal property owned by the
462 Federal Government or Space Florida and used for defense and
463 space exploration purposes or which is put to a use in support
464 thereof shall be deemed to perform an essential national
465 governmental purpose and shall be exempt. "Owned by the lessee"
466 as used in this chapter does not include personal property,
467 buildings, or other real property improvements used for the
468 administration, operation, business offices and activities
469 related specifically thereto in connection with the conduct of
470 an aircraft full service fixed based operation which provides
471 goods and services to the general aviation public in the
472 promotion of air commerce provided that the real property is
473 designated as an aviation area on an airport layout plan
474 approved by the Federal Aviation Administration. For purposes of
475 determination of "ownership," buildings and other real property

476 improvements which will revert to the airport authority or other
 477 governmental unit upon expiration of the term of the lease shall
 478 be deemed "owned" by the governmental unit and not the lessee.
 479 ~~Providing two-way telecommunications services to the public for~~
 480 ~~hire by the use of a telecommunications facility, as defined in~~
 481 ~~s. 364.02(14), and for which a certificate is required under~~
 482 ~~chapter 364 does not constitute an exempt use for purposes of s.~~
 483 ~~196.199, unless the telecommunications services are provided by~~
 484 ~~the operator of a public-use airport, as defined in s. 332.004,~~
 485 ~~for the operator's provision of telecommunications services for~~
 486 ~~the airport or its tenants, concessionaires, or licensees, or~~
 487 ~~unless the telecommunications services are provided by a public~~
 488 ~~hospital.~~

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

491 199.183 Taxpayers exempt from nonrecurring taxes.—

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

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

498 (b) ~~Property related to the provision of two-way~~
 499 ~~telecommunications services to the public for hire by the use of~~
 500 ~~a telecommunications facility, as defined in s. 364.02(14), and~~

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

515 Section 15. Paragraph (a) of subsection (6) of section
 516 212.08, Florida Statutes, is amended to read:

517 212.08 Sales, rental, use, consumption, distribution, and
 518 storage tax; specified exemptions.—The sale at retail, the
 519 rental, the use, the consumption, the distribution, and the
 520 storage to be used or consumed in this state of the following
 521 are hereby specifically exempt from the tax imposed by this
 522 chapter.

523 (6) EXEMPTIONS; POLITICAL SUBDIVISIONS.—

524 (a) There are also exempt from the tax imposed by this
 525 chapter sales made to the United States Government, a state, or

526 any county, municipality, or political subdivision of a state
 527 when payment is made directly to the dealer by the governmental
 528 entity. This exemption shall not inure to any transaction
 529 otherwise taxable under this chapter when payment is made by a
 530 government employee by any means, including, but not limited to,
 531 cash, check, or credit card when that employee is subsequently
 532 reimbursed by the governmental entity. This exemption does not
 533 include sales, rental, use, consumption, or storage for use in
 534 any political subdivision or municipality in this state of
 535 machines and equipment and parts and accessories therefor used
 536 in the generation, transmission, or distribution of electrical
 537 energy by systems owned and operated by a political subdivision
 538 in this state for transmission or distribution expansion.
 539 Likewise exempt are charges for services rendered by radio and
 540 television stations, including line charges, talent fees, or
 541 license fees and charges for films, videotapes, and
 542 transcriptions used in producing radio or television broadcasts.
 543 ~~The exemption provided in this subsection does not include~~
 544 ~~sales, rental, use, consumption, or storage for use in any~~
 545 ~~political subdivision or municipality in this state of machines~~
 546 ~~and equipment and parts and accessories therefor used in~~
 547 ~~providing two-way telecommunications services to the public for~~
 548 ~~hire by the use of a telecommunications facility, as defined in~~
 549 ~~s. 364.02(14), and for which a certificate is required under~~
 550 ~~chapter 364, which facility is owned and operated by any county,~~

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551 ~~municipality, or other political subdivision of the state. Any~~
552 ~~immunity of any political subdivision of the state or other~~
553 ~~entity of local government from taxation of the property used to~~
554 ~~provide telecommunication services that is taxed as a result of~~
555 ~~this section is hereby waived.~~ However, the exemption provided
556 in this subsection includes transactions taxable under this
557 chapter which are for use by the operator of a public-use
558 airport, as defined in s. 332.004, in providing such
559 telecommunications services for the airport or its tenants,
560 concessionaires, or licensees, or which are for use by a public
561 hospital for the provision of such telecommunications services.

562 Section 16. Section 218.077, Florida Statutes, is
563 repealed.

564 Section 17. Paragraph (w) of subsection (2) of section
565 252.35, Florida Statutes, is amended to read:

566 252.35 Emergency management powers; Division of Emergency
567 Management.—

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

571 (w) Delegate, as necessary and appropriate, authority
572 vested in it under ss. 252.31-252.90 and provide for the
573 subdelegation of such authority. ~~The duration of each such~~
574 ~~delegation or subdelegation during an emergency may not exceed~~
575 ~~60 days; however, a delegation or subdelegation may be renewed~~

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

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

579 252.38 Emergency management powers of political
 580 subdivisions.—Safeguarding the life and property of its citizens
 581 is an innate responsibility of the governing body of each
 582 political subdivision of the state.

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

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

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

599 ~~(c) An emergency order automatically expires 7 days after~~
 600 ~~issuance but may be extended by a majority vote of the governing~~

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601 ~~body of the political subdivision, as necessary, in 7-day~~
602 ~~increments for a total duration of not more than 42 days.~~

603 ~~(d) The Governor may, at any time, invalidate an emergency~~
604 ~~order issued by a political subdivision if the Governor~~
605 ~~determines that such order unnecessarily restricts individual~~
606 ~~rights or liberties.~~

607 ~~(e) Upon the expiration of an emergency order, a political~~
608 ~~subdivision may not issue a substantially similar order.~~

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

611 252.46 Orders and rules.—

612 (2) All orders and rules adopted by the division or any
613 political subdivision or other agency authorized by ss. 252.31-
614 252.90 to make orders and rules have full force and effect of
615 law after adoption in accordance with chapter 120 in the event
616 of issuance by the division or any state agency or, if adopted
617 by a political subdivision of the state or agency thereof, when
618 filed in the office of the clerk or recorder of the political
619 subdivision or agency adopting the same. ~~Failure of a political~~
620 ~~subdivision to file any such order or rule with the office of~~
621 ~~the clerk or recorder within 3 days after issuance voids the~~
622 ~~order or rule.~~ All existing laws, ordinances, and rules
623 inconsistent with ss. 252.31-252.90, or any order or rule issued
624 under the authority of ss. 252.31-252.90, must be suspended
625 during the period of time and to the extent that such conflict

626 exists.

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

628 Section 21. Paragraph (b) of subsection (1) of section
629 331.502, Florida Statutes, is amended to read:

630 331.502 Recovery of spaceflight assets.—

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

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

634 Section 22. Paragraph (a) of subsection (1), subsections
635 (2) and (3), paragraph (d) of subsection (6), and subsections
636 (7), (8), and (9) of section 337.401, Florida Statutes, are
637 amended to read:

638 337.401 Use of right-of-way for utilities subject to
639 regulation; permit; fees.—

640 (1) (a) The department and local governmental entities,
641 referred to in this section and in ss. 337.402, 337.403, and
642 337.404 as the "authority," that have jurisdiction and control
643 of public roads or publicly owned rail corridors are authorized
644 to prescribe and enforce reasonable rules or regulations with
645 reference to the placing and maintaining across, on, or within
646 the right-of-way limits of any road or publicly owned rail
647 corridors under their respective jurisdictions any electric
648 transmission, voice, telegraph, ~~data,~~ or other communications
649 services lines ~~or wireless facilities;~~ pole lines; poles;
650 railways; ditches; sewers; water, heat, or gas mains; pipelines;

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651 fences; gasoline tanks and pumps; or other structures referred
652 to in this section and in ss. 337.402, 337.403, and 337.404 as
653 the "utility." The department may enter into a permit-delegation
654 agreement with a governmental entity if issuance of a permit is
655 based on requirements that the department finds will ensure the
656 safety and integrity of facilities of the Department of
657 Transportation; however, the permit-delegation agreement does
658 not apply to facilities of electric utilities as defined in s.
659 366.02(2).

660 (2) The authority may grant to any person who is a
661 resident of this state, or to any corporation which is organized
662 under the laws of this state or licensed to do business within
663 this state, the use of a right-of-way for the utility in
664 accordance with such rules or regulations as the authority may
665 adopt. A utility may not be installed, located, or relocated
666 unless authorized by a written permit issued by the authority.
667 However, for public roads or publicly owned rail corridors under
668 the jurisdiction of the department, a utility relocation
669 schedule and relocation agreement may be executed in lieu of a
670 written permit. The permit must require the permitholder to be
671 responsible for any damage resulting from the issuance of such
672 permit. The authority may initiate injunctive proceedings as
673 provided in s. 120.69 to enforce provisions of this subsection
674 or any rule or order issued or entered into pursuant thereto. A
675 ~~permit application required under this subsection by a county or~~

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676 ~~municipality having jurisdiction and control of the right-of-way~~
677 ~~of any public road must be processed and acted upon in~~
678 ~~accordance with the timeframes provided in subparagraphs~~
679 ~~(7)(d)7., 8., and 9.~~

680 (3)(a) Because of the unique circumstances applicable to
681 providers of communications services, including, but not limited
682 to, the circumstances described in paragraph (e) and the fact
683 that federal and state law require the nondiscriminatory
684 treatment of providers of telecommunications services, and
685 because of the desire to promote competition among providers of
686 communications services, it is the intent of the Legislature
687 that municipalities and counties treat providers of
688 communications services in a nondiscriminatory and competitively
689 neutral manner when imposing rules or regulations governing the
690 placement or maintenance of communications facilities in the
691 public roads or rights-of-way. Rules or regulations imposed by a
692 municipality or county relating to providers of communications
693 services placing or maintaining communications facilities in its
694 roads or rights-of-way must be generally applicable to all
695 providers of communications services, ~~taking into account the~~
696 ~~distinct engineering, construction, operation, maintenance,~~
697 ~~public works, and safety requirements of the provider's~~
698 ~~facilities~~, and, notwithstanding any other law, may not require
699 a provider of communications services to apply for or enter into
700 an individual license, franchise, or other agreement with the

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701 municipality or county as a condition of placing or maintaining
702 communications facilities in its roads or rights-of-way. In
703 addition to other reasonable rules or regulations that a
704 municipality or county may adopt relating to the placement or
705 maintenance of communications facilities in its roads or rights-
706 of-way under this subsection ~~or subsection (7)~~, a municipality
707 or county may require a provider of communications services that
708 places or seeks to place facilities in its roads or rights-of-
709 way to register with the municipality or county. ~~To register, a~~
710 ~~provider of communications services may be required only to~~
711 provide its name; the name, address, and telephone number of a
712 contact person for the registrant; the number of the
713 registrant's current certificate of authorization issued by the
714 Florida Public Service Commission, the Federal Communications
715 Commission, or the Department of State; ~~a statement of whether~~
716 ~~the registrant is a pass-through provider as defined in~~
717 ~~subparagraph (6)(a)1.; the registrant's federal employer~~
718 ~~identification number; and any required~~ proof of insurance or
719 self-insuring status adequate to defend and cover claims. A
720 ~~municipality or county may not require a registrant to renew a~~
721 ~~registration more frequently than every 5 years but may require~~
722 ~~during this period that a registrant update the registration~~
723 ~~information provided under this subsection within 90 days after~~
724 ~~a change in such information. A municipality or county may not~~
725 ~~require the registrant to provide an inventory of communications~~

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

750 (b) Registration described in paragraph (a) does not

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751 establish a right to place or maintain, or priority for the
752 placement or maintenance of, a communications facility in roads
753 or rights-of-way of a municipality or county. Each municipality
754 and county retains the authority to regulate and manage
755 municipal and county roads or rights-of-way in exercising its
756 police power, ~~subject to the limitations imposed in this section~~
757 ~~and chapters 202 and 610.~~ Any rules or regulations adopted by a
758 municipality or county which govern the occupation of its roads
759 or rights-of-way by providers of communications services must be
760 related to the placement or maintenance of facilities in such
761 roads or rights-of-way, must be reasonable and
762 nondiscriminatory, and may include only those matters necessary
763 to manage the roads or rights-of-way of the municipality or
764 county.

765 (c) ~~Any municipality or county that, as of January 1,~~
766 ~~2019, elected to require permit fees from any provider of~~
767 ~~communications services that uses or occupies municipal or~~
768 ~~county roads or rights-of-way pursuant to former paragraph (c)~~
769 ~~or former paragraph (j), Florida Statutes 2018, may continue to~~
770 ~~require and collect such fees. A municipality or county that~~
771 ~~elected as of January 1, 2019, to require permit fees may elect~~
772 ~~to forego such fees as provided herein. A municipality or county~~
773 ~~that elected as of January 1, 2019, not to require permit fees~~
774 ~~may not elect to impose permit fees. All fees authorized under~~
775 this paragraph must be reasonable and commensurate with the

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

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801 ~~wireless facilities in accordance with subparagraph (7)(c)3.~~

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

807 2. If a noncharter county elects to not require permit
808 fees, the total rate for the local communications services tax
809 as computed under s. 202.20 for that noncharter county may be
810 increased by ordinance or resolution by an amount not to exceed
811 a rate of 0.24 percent, to replace the revenue the noncharter
812 county would otherwise have received from permit fees for
813 providers of communications services.

814 (d) In addition to any other notice requirements, a
815 municipality must provide to the Secretary of State, at least 10
816 days prior to consideration on first reading, notice of a
817 proposed ordinance governing a telecommunications company
818 placing or maintaining telecommunications facilities in its
819 roads or rights-of-way. In addition to any other notice
820 requirements, a county must provide to the Secretary of State,
821 at least 15 days prior to consideration at a public hearing,
822 notice of a proposed ordinance governing a telecommunications
823 company placing or maintaining telecommunications facilities in
824 its roads or rights-of-way. The notice required by this
825 paragraph must be published by the Secretary of State on a

826 designated Internet website. The failure of a municipality or
 827 county to provide such notice does not render the ordinance
 828 invalid, ~~provided that enforcement of such ordinance must be~~
 829 ~~suspended until 30 days after the municipality or county~~
 830 ~~provides the required notice.~~

831 (e) The authority of municipalities and counties to
 832 require franchise fees from providers of communications
 833 services, with respect to the provision of communications
 834 services, is specifically preempted by the state because of
 835 unique circumstances applicable to providers of communications
 836 services when compared to other utilities occupying municipal or
 837 county roads or rights-of-way. Providers of communications
 838 services may provide similar services in a manner that requires
 839 the placement of facilities in municipal or county roads or
 840 rights-of-way or in a manner that does not require the placement
 841 of facilities in such roads or rights-of-way. Although similar
 842 communications services may be provided by different means, the
 843 state desires to treat providers of communications services in a
 844 nondiscriminatory manner and to have the taxes, franchise fees,
 845 and other fees, ~~costs, and financial or regulatory exactions~~
 846 ~~paid by or imposed on~~ providers of communications services be
 847 competitively neutral. Municipalities and counties retain all
 848 existing authority, if any, to collect franchise fees from users
 849 or occupants of municipal or county roads or rights-of-way other
 850 than providers of communications services, and the provisions of

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851 this subsection shall have no effect upon this authority. The
852 provisions of this subsection do not restrict the authority, if
853 any, of municipalities or counties or other governmental
854 entities to receive reasonable rental fees based on fair market
855 value for the use of public lands and buildings on property
856 outside the public roads or rights-of-way for the placement of
857 communications antennas and towers.

858 (f) Except as expressly allowed or authorized by general
859 law and except for the rights-of-way permit fees subject to
860 paragraph (c), a municipality or county may not levy on a
861 provider of communications services a tax, fee, or other charge
862 or imposition for operating as a provider of communications
863 services within the jurisdiction of the municipality or county
864 which is in any way related to using its roads or rights-of-way.
865 A municipality or county may not require or solicit in-kind
866 compensation, except as otherwise provided in s. 202.24(2)(c)8.
867 ~~or, provided that the in-kind compensation is not a franchise~~
868 ~~fee under federal law. Nothing in this paragraph impairs the~~
869 ~~authority of a municipality or county to request public,~~
870 ~~educational, or governmental access channels pursuant to s.~~
871 610.109. Nothing in this paragraph shall impair any ordinance or
872 agreement in effect on May 22, 1998, or any voluntary agreement
873 entered into subsequent to that date, which provides for or
874 allows in-kind compensation by a telecommunications company.

875 (g) A municipality or county may not use its authority

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876 over the placement of facilities in its roads and rights-of-way
877 as a basis for asserting or exercising regulatory control over a
878 provider of communications services regarding matters within the
879 exclusive jurisdiction of the Florida Public Service Commission
880 or the Federal Communications Commission, including, but not
881 limited to, the operations, systems, ~~equipment, technology,~~
882 qualifications, services, service quality, service territory,
883 and prices of a provider of communications services. A
884 ~~municipality or county may not require any permit for the~~
885 ~~maintenance, repair, replacement, extension, or upgrade of~~
886 ~~existing aerial wireline communications facilities on utility~~
887 ~~poles or for aerial wireline facilities between existing~~
888 ~~wireline communications facility attachments on utility poles by~~
889 ~~a communications services provider. However, a municipality or~~
890 ~~county may require a right-of-way permit for work that involves~~
891 ~~excavation, closure of a sidewalk, or closure of a vehicular~~
892 ~~lane or parking lane, unless the provider is performing service~~
893 ~~restoration to existing facilities. A permit application~~
894 ~~required by an authority under this section for the placement of~~
895 ~~communications facilities must be processed and acted upon~~
896 ~~consistent with the timeframes provided in subparagraphs~~
897 ~~(7)(d)7., 8., and 9. In addition, a municipality or county may~~
898 ~~not require any permit or other approval, fee, charge, or cost,~~
899 ~~or other exaction for the maintenance, repair, replacement,~~
900 ~~extension, or upgrade of existing aerial lines or underground~~

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901 ~~communications facilities located on private property outside of~~
902 ~~the public rights-of-way. As used in this section, the term~~
903 ~~"extension of existing facilities" includes those extensions~~
904 ~~from the rights-of-way into a customer's private property for~~
905 ~~purposes of placing a service drop or those extensions from the~~
906 ~~rights-of-way into a utility easement to provide service to a~~
907 ~~discrete identifiable customer or group of customers.~~

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

922 (i) Except as expressly provided in this section, this
923 section does not modify the authority of municipalities and
924 counties to levy the tax authorized in chapter 202 or the duties
925 of providers of communications services under ss. 337.402-

926 337.404. This section does not apply to building permits, pole
 927 attachments, or private roads, private easements, and private
 928 rights-of-way.

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

933 (6)

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

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

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

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

967 ~~1. "Antenna" means communications equipment that transmits~~
968 ~~or receives electromagnetic radio frequency signals used in~~
969 ~~providing wireless services.~~

970 ~~2. "Applicable codes" means uniform building, fire,~~
971 ~~electrical, plumbing, or mechanical codes adopted by a~~
972 ~~recognized national code organization or local amendments to~~
973 ~~those codes enacted solely to address threats of destruction of~~
974 ~~property or injury to persons, and includes the National~~
975 ~~Electric Safety Code and the 2017 edition of the Florida~~

976 ~~Department of Transportation Utility Accommodation Manual.~~

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

979 ~~4. "Application" means a request submitted by an applicant~~
 980 ~~to an authority for a permit to collocate small wireless~~
 981 ~~facilities or to place a new utility pole used to support a~~
 982 ~~small wireless facility.~~

983 ~~5. "Authority" means a county or municipality having~~
 984 ~~jurisdiction and control of the rights-of-way of any public~~
 985 ~~road. The term does not include the Department of~~
 986 ~~Transportation. Rights-of-way under the jurisdiction and control~~
 987 ~~of the department are excluded from this subsection.~~

988 ~~6. "Authority utility pole" means a utility pole owned by~~
 989 ~~an authority in the right-of-way. The term does not include a~~
 990 ~~utility pole owned by a municipal electric utility, a utility~~
 991 ~~pole used to support municipally owned or operated electric~~
 992 ~~distribution facilities, or a utility pole located in the right-~~
 993 ~~of-way within:~~

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

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

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

998 ~~(III) Has underground utilities for electric transmission~~
 999 ~~or distribution.~~

1000 ~~b. A municipality that:~~

1001 ~~(I) Is located on a coastal barrier island as defined in~~
 1002 ~~s. 161.053(1)(b)3.;~~

1003 ~~(II) Has a land area of less than 5 square miles;~~

1004 ~~(III) Has less than 10,000 residents; and~~

1005 ~~(IV) Has, before July 1, 2017, received referendum~~
 1006 ~~approval to issue debt to finance municipal-wide undergrounding~~
 1007 ~~of its utilities for electric transmission or distribution.~~

1008 ~~7. "Collocate" or "collocation" means to install, mount,~~
 1009 ~~maintain, modify, operate, or replace one or more wireless~~
 1010 ~~facilities on, under, within, or adjacent to a wireless support~~
 1011 ~~structure or utility pole. The term does not include the~~
 1012 ~~installation of a new utility pole or wireless support structure~~
 1013 ~~in the public rights-of-way.~~

1014 ~~8. "FCC" means the Federal Communications Commission.~~

1015 ~~9. "Micro wireless facility" means a small wireless~~
 1016 ~~facility having dimensions no larger than 24 inches in length,~~
 1017 ~~15 inches in width, and 12 inches in height and an exterior~~
 1018 ~~antenna, if any, no longer than 11 inches.~~

1019 ~~10. "Small wireless facility" means a wireless facility~~
 1020 ~~that meets the following qualifications:~~

1021 ~~a. Each antenna associated with the facility is located~~
 1022 ~~inside an enclosure of no more than 6 cubic feet in volume or,~~
 1023 ~~in the case of antennas that have exposed elements, each antenna~~
 1024 ~~and all of its exposed elements could fit within an enclosure of~~
 1025 ~~no more than 6 cubic feet in volume; and~~

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1026 ~~b. All other wireless equipment associated with the~~
1027 ~~facility is cumulatively no more than 28 cubic feet in volume.~~
1028 ~~The following types of associated ancillary equipment are not~~
1029 ~~included in the calculation of equipment volume: electric~~
1030 ~~meters, concealment elements, telecommunications demarcation~~
1031 ~~boxes, ground-based enclosures, grounding equipment, power~~
1032 ~~transfer switches, cutoff switches, vertical cable runs for the~~
1033 ~~connection of power and other services, and utility poles or~~
1034 ~~other support structures.~~

1035 ~~11. "Utility pole" means a pole or similar structure that~~
1036 ~~is used in whole or in part to provide communications services~~
1037 ~~or for electric distribution, lighting, traffic control,~~
1038 ~~signage, or a similar function. The term includes the vertical~~
1039 ~~support structure for traffic lights but does not include a~~
1040 ~~horizontal structure to which signal lights or other traffic~~
1041 ~~control devices are attached and does not include a pole or~~
1042 ~~similar structure 15 feet in height or less unless an authority~~
1043 ~~grants a waiver for such pole.~~

1044 ~~12. "Wireless facility" means equipment at a fixed~~
1045 ~~location which enables wireless communications between user~~
1046 ~~equipment and a communications network, including radio~~
1047 ~~transceivers, antennas, wires, coaxial or fiber-optic cable or~~
1048 ~~other cables, regular and backup power supplies, and comparable~~
1049 ~~equipment, regardless of technological configuration, and~~
1050 ~~equipment associated with wireless communications. The term~~

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1051 ~~includes small wireless facilities. The term does not include:~~
1052 ~~a. The structure or improvements on, under, within, or~~
1053 ~~adjacent to the structure on which the equipment is collocated;~~
1054 ~~b. Wireline backhaul facilities; or~~
1055 ~~e. Coaxial or fiber-optic cable that is between wireless~~
1056 ~~structures or utility poles or that is otherwise not immediately~~
1057 ~~adjacent to or directly associated with a particular antenna.~~
1058 ~~13. "Wireless infrastructure provider" means a person who~~
1059 ~~has been certificated under chapter 364 to provide~~
1060 ~~telecommunications service or under chapter 610 to provide cable~~
1061 ~~or video services in this state, or that person's affiliate, and~~
1062 ~~who builds or installs wireless communication transmission~~
1063 ~~equipment, wireless facilities, or wireless support structures~~
1064 ~~but is not a wireless services provider.~~
1065 ~~14. "Wireless provider" means a wireless infrastructure~~
1066 ~~provider or a wireless services provider.~~
1067 ~~15. "Wireless services" means any services provided using~~
1068 ~~licensed or unlicensed spectrum, whether at a fixed location or~~
1069 ~~mobile, using wireless facilities.~~
1070 ~~16. "Wireless services provider" means a person who~~
1071 ~~provides wireless services.~~
1072 ~~17. "Wireless support structure" means a freestanding~~
1073 ~~structure, such as a monopole, a guyed or self-supporting tower,~~
1074 ~~or another existing or proposed structure designed to support or~~
1075 ~~capable of supporting wireless facilities. The term does not~~

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1076 ~~include a utility pole, pedestal, or other support structure for~~
1077 ~~ground-based equipment not mounted on a utility pole and less~~
1078 ~~than 5 feet in height.~~

1079 ~~(c) Except as provided in this subsection, an authority~~
1080 ~~may not prohibit, regulate, or charge for the collocation of~~
1081 ~~small wireless facilities in the public rights-of-way or for the~~
1082 ~~installation, maintenance, modification, operation, or~~
1083 ~~replacement of utility poles used for the collocation of small~~
1084 ~~wireless facilities in the public rights-of-way.~~

1085 ~~(d) An authority may require a registration process and~~
1086 ~~permit fees in accordance with subsection (3). An authority~~
1087 ~~shall accept applications for permits and shall process and~~
1088 ~~issue permits subject to the following requirements:~~

1089 ~~1. An authority may not directly or indirectly require an~~
1090 ~~applicant to perform services unrelated to the collocation for~~
1091 ~~which approval is sought, such as in-kind contributions to the~~
1092 ~~authority, including reserving fiber, conduit, or pole space for~~
1093 ~~the authority.~~

1094 ~~2. An applicant may not be required to provide more~~
1095 ~~information to obtain a permit than is necessary to demonstrate~~
1096 ~~the applicant's compliance with applicable codes for the~~
1097 ~~placement of small wireless facilities in the locations~~
1098 ~~identified in the application. An applicant may not be required~~
1099 ~~to provide inventories, maps, or locations of communications~~
1100 ~~facilities in the right-of-way other than as necessary to avoid~~

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1101 ~~interference with other at-grade or aerial facilities located at~~
 1102 ~~the specific location proposed for a small wireless facility or~~
 1103 ~~within 50 feet of such location.~~

1104 ~~3. An authority may not:~~

1105 ~~a. Require the placement of small wireless facilities on~~
 1106 ~~any specific utility pole or category of poles;~~

1107 ~~b. Require the placement of multiple antenna systems on a~~
 1108 ~~single utility pole;~~

1109 ~~c. Require a demonstration that collocation of a small~~
 1110 ~~wireless facility on an existing structure is not legally or~~
 1111 ~~technically possible as a condition for granting a permit for~~
 1112 ~~the collocation of a small wireless facility on a new utility~~
 1113 ~~pole except as provided in paragraph (i);~~

1114 ~~d. Require compliance with an authority's provisions~~
 1115 ~~regarding placement of small wireless facilities or a new~~
 1116 ~~utility pole used to support a small wireless facility in~~
 1117 ~~rights-of-way under the control of the department unless the~~
 1118 ~~authority has received a delegation from the department for the~~
 1119 ~~location of the small wireless facility or utility pole, or~~
 1120 ~~require such compliance as a condition to receive a permit that~~
 1121 ~~is ancillary to the permit for collocation of a small wireless~~
 1122 ~~facility, including an electrical permit;~~

1123 ~~e. Require a meeting before filing an application;~~

1124 ~~f. Require direct or indirect public notification or a~~
 1125 ~~public meeting for the placement of communication facilities in~~

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1126 ~~the right-of-way;~~

1127 ~~g. Limit the size or configuration of a small wireless~~

1128 ~~facility or any of its components, if the small wireless~~

1129 ~~facility complies with the size limits in this subsection;~~

1130 ~~h. Prohibit the installation of a new utility pole used to~~

1131 ~~support the collocation of a small wireless facility if the~~

1132 ~~installation otherwise meets the requirements of this~~

1133 ~~subsection; or~~

1134 ~~i. Require that any component of a small wireless facility~~

1135 ~~be placed underground except as provided in paragraph (i).~~

1136 ~~4. Subject to paragraph (r), an authority may not limit~~

1137 ~~the placement, by minimum separation distances, of small~~

1138 ~~wireless facilities, utility poles on which small wireless~~

1139 ~~facilities are or will be collocated, or other at-grade~~

1140 ~~communications facilities. However, within 14 days after the~~

1141 ~~date of filing the application, an authority may request that~~

1142 ~~the proposed location of a small wireless facility be moved to~~

1143 ~~another location in the right-of-way and placed on an~~

1144 ~~alternative authority utility pole or support structure or~~

1145 ~~placed on a new utility pole. The authority and the applicant~~

1146 ~~may negotiate the alternative location, including any objective~~

1147 ~~design standards and reasonable spacing requirements for ground-~~

1148 ~~based equipment, for 30 days after the date of the request. At~~

1149 ~~the conclusion of the negotiation period, if the alternative~~

1150 ~~location is accepted by the applicant, the applicant must notify~~

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1151 ~~the authority of such acceptance and the application shall be~~
1152 ~~deemed granted for any new location for which there is agreement~~
1153 ~~and all other locations in the application. If an agreement is~~
1154 ~~not reached, the applicant must notify the authority of such~~
1155 ~~nonagreement and the authority must grant or deny the original~~
1156 ~~application within 90 days after the date the application was~~
1157 ~~filed. A request for an alternative location, an acceptance of~~
1158 ~~an alternative location, or a rejection of an alternative~~
1159 ~~location must be in writing and provided by electronic mail.~~

1160 ~~5. An authority shall limit the height of a small wireless~~
1161 ~~facility to 10 feet above the utility pole or structure upon~~
1162 ~~which the small wireless facility is to be collocated. Unless~~
1163 ~~waived by an authority, the height for a new utility pole is~~
1164 ~~limited to the tallest existing utility pole as of July 1, 2017,~~
1165 ~~located in the same right-of-way, other than a utility pole for~~
1166 ~~which a waiver has previously been granted, measured from grade~~
1167 ~~in place within 500 feet of the proposed location of the small~~
1168 ~~wireless facility. If there is no utility pole within 500 feet,~~
1169 ~~the authority shall limit the height of the utility pole to 50~~
1170 ~~feet.~~

1171 ~~6. The installation by a communications services provider~~
1172 ~~of a utility pole in the public rights-of-way, other than a~~
1173 ~~utility pole used to support a small wireless facility, is~~
1174 ~~subject to authority rules or regulations governing the~~
1175 ~~placement of utility poles in the public rights-of-way.~~

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1176 ~~7. Within 14 days after receiving an application, an~~
1177 ~~authority must determine and notify the applicant by electronic~~
1178 ~~mail as to whether the application is complete. If an~~
1179 ~~application is deemed incomplete, the authority must~~
1180 ~~specifically identify the missing information. An application is~~
1181 ~~deemed complete if the authority fails to provide notification~~
1182 ~~to the applicant within 14 days.~~

1183 ~~8. An application must be processed on a nondiscriminatory~~
1184 ~~basis. A complete application is deemed approved if an authority~~
1185 ~~fails to approve or deny the application within 60 days after~~
1186 ~~receipt of the application. If an authority does not use the 30-~~
1187 ~~day negotiation period provided in subparagraph 4., the parties~~
1188 ~~may mutually agree to extend the 60-day application review~~
1189 ~~period. The authority shall grant or deny the application at the~~
1190 ~~end of the extended period. A permit issued pursuant to an~~
1191 ~~approved application shall remain effective for 1 year unless~~
1192 ~~extended by the authority.~~

1193 ~~9. An authority must notify the applicant of approval or~~
1194 ~~denial by electronic mail. An authority shall approve a complete~~
1195 ~~application unless it does not meet the authority's applicable~~
1196 ~~codes. If the application is denied, the authority must specify~~
1197 ~~in writing the basis for denial, including the specific code~~
1198 ~~provisions on which the denial was based, and send the~~
1199 ~~documentation to the applicant by electronic mail on the day the~~
1200 ~~authority denies the application. The applicant may cure the~~

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1201 ~~deficiencies identified by the authority and resubmit the~~
1202 ~~application within 30 days after notice of the denial is sent to~~
1203 ~~the applicant. The authority shall approve or deny the revised~~
1204 ~~application within 30 days after receipt or the application is~~
1205 ~~deemed approved. The review of a revised application is limited~~
1206 ~~to the deficiencies cited in the denial. If an authority~~
1207 ~~provides for administrative review of the denial of an~~
1208 ~~application, the review must be complete and a written decision~~
1209 ~~issued within 45 days after a written request for review is~~
1210 ~~made. A denial must identify the specific code provisions on~~
1211 ~~which the denial is based. If the administrative review is not~~
1212 ~~complete within 45 days, the authority waives any claim~~
1213 ~~regarding failure to exhaust administrative remedies in any~~
1214 ~~judicial review of the denial of an application.~~

1215 ~~10. An applicant seeking to collocate small wireless~~
1216 ~~facilities within the jurisdiction of a single authority may, at~~
1217 ~~the applicant's discretion, file a consolidated application and~~
1218 ~~receive a single permit for the collocation of up to 30 small~~
1219 ~~wireless facilities. If the application includes multiple small~~
1220 ~~wireless facilities, an authority may separately address small~~
1221 ~~wireless facility collocations for which incomplete information~~
1222 ~~has been received or which are denied.~~

1223 ~~11. An authority may deny an application to collocate a~~
1224 ~~small wireless facility or place a utility pole used to support~~
1225 ~~a small wireless facility in the public rights-of-way if the~~

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1226 ~~proposed small wireless facility or utility pole used to support~~
1227 ~~a small wireless facility:~~

1228 ~~a. Materially interferes with the safe operation of~~
1229 ~~traffic control equipment.~~

1230 ~~b. Materially interferes with sight lines or clear zones~~
1231 ~~for transportation, pedestrians, or public safety purposes.~~

1232 ~~c. Materially interferes with compliance with the~~
1233 ~~Americans with Disabilities Act or similar federal or state~~
1234 ~~standards regarding pedestrian access or movement.~~

1235 ~~d. Materially fails to comply with the 2017 edition of the~~
1236 ~~Florida Department of Transportation Utility Accommodation~~
1237 ~~Manual.~~

1238 ~~e. Fails to comply with applicable codes.~~

1239 ~~f. Fails to comply with objective design standards~~
1240 ~~authorized under paragraph (r).~~

1241 ~~12. An authority may adopt by ordinance provisions for~~
1242 ~~insurance coverage, indemnification, force majeure, abandonment,~~
1243 ~~authority liability, or authority warranties. Such provisions~~
1244 ~~must be reasonable and nondiscriminatory. An authority may~~
1245 ~~require a construction bond to secure restoration of the~~
1246 ~~postconstruction rights-of-way to the preconstruction condition.~~
1247 ~~However, such bond must be time-limited to not more than 18~~
1248 ~~months after the construction to which the bond applies is~~
1249 ~~completed. For any financial obligation required by an authority~~
1250 ~~allowed under this section, the authority shall accept a letter~~

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1251 ~~of credit or similar financial instrument issued by any~~
1252 ~~financial institution that is authorized to do business within~~
1253 ~~the United States, provided that a claim against the financial~~
1254 ~~instrument may be made by electronic means, including by~~
1255 ~~facsimile. A provider of communications services may add an~~
1256 ~~authority to any existing bond, insurance policy, or other~~
1257 ~~relevant financial instrument, and the authority must accept~~
1258 ~~such proof of coverage without any conditions other than consent~~
1259 ~~to venue for purposes of any litigation to which the authority~~
1260 ~~is a party. An authority may not require a communications~~
1261 ~~services provider to indemnify it for liabilities not caused by~~
1262 ~~the provider, including liabilities arising from the authority's~~
1263 ~~negligence, gross negligence, or willful conduct.~~

1264 ~~13. Collocation of a small wireless facility on an~~
1265 ~~authority utility pole does not provide the basis for the~~
1266 ~~imposition of an ad valorem tax on the authority utility pole.~~

1267 ~~14. An authority may reserve space on authority utility~~
1268 ~~poles for future public safety uses. However, a reservation of~~
1269 ~~space may not preclude collocation of a small wireless facility.~~
1270 ~~If replacement of the authority utility pole is necessary to~~
1271 ~~accommodate the collocation of the small wireless facility and~~
1272 ~~the future public safety use, the pole replacement is subject to~~
1273 ~~make-ready provisions and the replaced pole shall accommodate~~
1274 ~~the future public safety use.~~

1275 ~~15. A structure granted a permit and installed pursuant to~~

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1276 ~~this subsection shall comply with chapter 333 and federal~~
1277 ~~regulations pertaining to airport airspace protections.~~

1278 ~~(c) An authority may not require any permit or other~~
1279 ~~approval or require fees or other charges, costs, or other~~
1280 ~~exactions for:~~

1281 ~~1. Routine maintenance, the performance of service~~
1282 ~~restoration work on existing facilities, or repair work,~~
1283 ~~including, but not limited to, emergency repairs of existing~~
1284 ~~facilities or extensions of such facilities for providing~~
1285 ~~communications services to customers;~~

1286 ~~2. Replacement of existing wireless facilities with~~
1287 ~~wireless facilities that are substantially similar or of the~~
1288 ~~same or smaller size; or~~

1289 ~~3. Installation, placement, maintenance, or replacement of~~
1290 ~~micro wireless facilities that are suspended on cables strung~~
1291 ~~between existing utility poles in compliance with applicable~~
1292 ~~codes by or for a communications services provider authorized to~~
1293 ~~occupy the rights-of-way and who is remitting taxes under~~
1294 ~~chapter 202. An authority may require an initial letter from or~~
1295 ~~on behalf of such provider, which is effective upon filing,~~
1296 ~~attesting that the micro wireless facility dimensions comply~~
1297 ~~with the limits of this subsection. The authority may not~~
1298 ~~require any additional filing or other information as long as~~
1299 ~~the provider is deploying the same, a substantially similar, or~~
1300 ~~a smaller size micro wireless facility equipment.~~

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1301
1302 ~~Notwithstanding this paragraph, an authority may require a~~
1303 ~~right-of-way permit for work that involves excavation, closure~~
1304 ~~of a sidewalk, or closure of a vehicular lane or parking lane,~~
1305 ~~unless the provider is performing service restoration on an~~
1306 ~~existing facility and the work is done in compliance with the~~
1307 ~~2017 edition of the Florida Department of Transportation Utility~~
1308 ~~Accommodation Manual. An authority may require notice of such~~
1309 ~~work within 30 days after restoration and may require an after-~~
1310 ~~the-fact permit for work which would otherwise have required a~~
1311 ~~permit.~~

1312 ~~(f) Collocation of small wireless facilities on authority~~
1313 ~~utility poles is subject to the following requirements:~~

1314 ~~1. An authority may not enter into an exclusive~~
1315 ~~arrangement with any person for the right to attach equipment to~~
1316 ~~authority utility poles.~~

1317 ~~2. The rates and fees for collocations on authority~~
1318 ~~utility poles must be nondiscriminatory, regardless of the~~
1319 ~~services provided by the collocating person.~~

1320 ~~3. The rate to collocate small wireless facilities on an~~
1321 ~~authority utility pole may not exceed \$150 per pole annually.~~

1322 ~~4. Agreements between authorities and wireless providers~~
1323 ~~that are in effect on July 1, 2017, and that relate to the~~
1324 ~~collocation of small wireless facilities in the right-of-way,~~
1325 ~~including the collocation of small wireless facilities on~~

1326 ~~authority utility poles, remain in effect, subject to applicable~~
1327 ~~termination provisions. The wireless provider may accept the~~
1328 ~~rates, fees, and terms established under this subsection for~~
1329 ~~small wireless facilities and utility poles that are the subject~~
1330 ~~of an application submitted after the rates, fees, and terms~~
1331 ~~become effective.~~

1332 ~~5. A person owning or controlling an authority utility~~
1333 ~~pole shall offer rates, fees, and other terms that comply with~~
1334 ~~this subsection. By the later of January 1, 2018, or 3 months~~
1335 ~~after receiving a request to collocate its first small wireless~~
1336 ~~facility on a utility pole owned or controlled by an authority,~~
1337 ~~the person owning or controlling the authority utility pole~~
1338 ~~shall make available, through ordinance or otherwise, rates,~~
1339 ~~fees, and terms for the collocation of small wireless facilities~~
1340 ~~on the authority utility pole which comply with this subsection.~~

1341 ~~a. The rates, fees, and terms must be nondiscriminatory~~
1342 ~~and competitively neutral and must comply with this subsection.~~

1343 ~~b. For an authority utility pole that supports an aerial~~
1344 ~~facility used to provide communications services or electric~~
1345 ~~service, the parties shall comply with the process for make-~~
1346 ~~ready work under 47 U.S.C. s. 224 and implementing regulations.~~
1347 ~~The good faith estimate of the person owning or controlling the~~
1348 ~~pole for any make-ready work necessary to enable the pole to~~
1349 ~~support the requested collocation must include pole replacement~~
1350 ~~if necessary.~~

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1351 ~~e. For an authority utility pole that does not support an~~
1352 ~~aerial facility used to provide communications services or~~
1353 ~~electric service, the authority shall provide a good faith~~
1354 ~~estimate for any make-ready work necessary to enable the pole to~~
1355 ~~support the requested collocation, including necessary pole~~
1356 ~~replacement, within 60 days after receipt of a complete~~
1357 ~~application. Make-ready work, including any pole replacement,~~
1358 ~~must be completed within 60 days after written acceptance of the~~
1359 ~~good faith estimate by the applicant. Alternatively, an~~
1360 ~~authority may require the applicant seeking to collocate a small~~
1361 ~~wireless facility to provide a make-ready estimate at the~~
1362 ~~applicant's expense for the work necessary to support the small~~
1363 ~~wireless facility, including pole replacement, and perform the~~
1364 ~~make-ready work. If pole replacement is required, the scope of~~
1365 ~~the make-ready estimate is limited to the design, fabrication,~~
1366 ~~and installation of a utility pole that is substantially similar~~
1367 ~~in color and composition. The authority may not condition or~~
1368 ~~restrict the manner in which the applicant obtains, develops, or~~
1369 ~~provides the estimate or conducts the make-ready work subject to~~
1370 ~~usual construction restoration standards for work in the right-~~
1371 ~~of-way. The replaced or altered utility pole shall remain the~~
1372 ~~property of the authority.~~

1373 ~~d. An authority may not require more make-ready work than~~
1374 ~~is required to meet applicable codes or industry standards. Fees~~
1375 ~~for make-ready work may not include costs related to preexisting~~

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1376 ~~damage or prior noncompliance. Fees for make-ready work,~~
1377 ~~including any pole replacement, may not exceed actual costs or~~
1378 ~~the amount charged to communications services providers other~~
1379 ~~than wireless services providers for similar work and may not~~
1380 ~~include any consultant fee or expense.~~

1381 ~~(g) For any applications filed before the effective date~~
1382 ~~of ordinances implementing this subsection, an authority may~~
1383 ~~apply current ordinances relating to placement of communications~~
1384 ~~facilities in the right-of-way related to registration,~~
1385 ~~permitting, insurance coverage, indemnification, force majeure,~~
1386 ~~abandonment, authority liability, or authority warranties.~~
1387 ~~Permit application requirements and small wireless facility~~
1388 ~~placement requirements, including utility pole height limits,~~
1389 ~~that conflict with this subsection must be waived by the~~
1390 ~~authority. An authority may not institute, either expressly or~~
1391 ~~de facto, a moratorium, zoning-in-progress, or other mechanism~~
1392 ~~that would prohibit or delay the filing, receiving, or~~
1393 ~~processing of registrations, applications, or issuing of permits~~
1394 ~~or other approvals for the collocation of small wireless~~
1395 ~~facilities or the installation, modification, or replacement of~~
1396 ~~utility poles used to support the collocation of small wireless~~
1397 ~~facilities.~~

1398 ~~(h) Except as provided in this section or specifically~~
1399 ~~required by state law, an authority may not adopt or enforce any~~
1400 ~~regulation on the placement or operation of communications~~

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1401 ~~facilities in the rights-of-way by a provider authorized by~~
1402 ~~state law to operate in the rights-of-way and may not regulate~~
1403 ~~any communications services or impose or collect any tax, fee,~~
1404 ~~or charge not specifically authorized under state law. This~~
1405 ~~paragraph does not alter any law regarding an authority's~~
1406 ~~ability to regulate the relocation of facilities.~~

1407 ~~(i)1. In an area where an authority has required all~~
1408 ~~public utility lines in the rights-of-way to be placed~~
1409 ~~underground, a wireless provider must comply with written,~~
1410 ~~objective, reasonable, and nondiscriminatory requirements that~~
1411 ~~prohibit new utility poles used to support small wireless~~
1412 ~~facilities if:~~

1413 ~~a. The authority, at least 90 days prior to the submission~~
1414 ~~of an application, has required all public utility lines to be~~
1415 ~~placed underground;~~

1416 ~~b. Structures that the authority allows to remain above~~
1417 ~~ground are reasonably available to wireless providers for the~~
1418 ~~collocation of small wireless facilities and may be replaced by~~
1419 ~~a wireless provider to accommodate the collocation of small~~
1420 ~~wireless facilities; and~~

1421 ~~e. A wireless provider may install a new utility pole in~~
1422 ~~the designated area in the right-of-way that otherwise complies~~
1423 ~~with this subsection and it is not reasonably able to provide~~
1424 ~~wireless service by collocating on a remaining utility pole or~~
1425 ~~other structure in the right-of-way.~~

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1426 ~~2. For small wireless facilities installed before an~~
1427 ~~authority adopts requirements that public utility lines be~~
1428 ~~placed underground, an authority adopting such requirements~~
1429 ~~must:~~

1430 ~~a. Allow a wireless provider to maintain the small~~
1431 ~~wireless facilities in place subject to any applicable pole~~
1432 ~~attachment agreement with the pole owner; or~~

1433 ~~b. Allow the wireless provider to replace the associated~~
1434 ~~pole within 50 feet of the prior location in accordance with~~
1435 ~~paragraph (r).~~

1436 ~~(j) A wireless infrastructure provider may apply to an~~
1437 ~~authority to place utility poles in the public rights-of-way to~~
1438 ~~support the collocation of small wireless facilities. The~~
1439 ~~application must include an attestation that small wireless~~
1440 ~~facilities will be collocated on the utility pole or structure~~
1441 ~~and will be used by a wireless services provider to provide~~
1442 ~~service within 9 months after the date the application is~~
1443 ~~approved. The authority shall accept and process the application~~
1444 ~~in accordance with subparagraph (d) 6. and any applicable codes~~
1445 ~~and other local codes governing the placement of utility poles~~
1446 ~~in the public rights-of-way.~~

1447 ~~(k) This subsection does not limit a local government's~~
1448 ~~authority to enforce historic preservation zoning regulations~~
1449 ~~consistent with the preservation of local zoning authority under~~
1450 ~~47 U.S.C. s. 332(c)(7), the requirements for facility~~

1451 ~~modifications under 47 U.S.C. s. 1455(a), or the National~~
 1452 ~~Historic Preservation Act of 1966, as amended, and the~~
 1453 ~~regulations adopted to implement such laws. An authority may~~
 1454 ~~enforce local codes, administrative rules, or regulations~~
 1455 ~~adopted by ordinance in effect on April 1, 2017, which are~~
 1456 ~~applicable to a historic area designated by the state or~~
 1457 ~~authority. An authority may enforce pending local ordinances,~~
 1458 ~~administrative rules, or regulations applicable to a historic~~
 1459 ~~area designated by the state if the intent to adopt such changes~~
 1460 ~~has been publicly declared on or before April 1, 2017. An~~
 1461 ~~authority may waive any ordinances or other requirements that~~
 1462 ~~are subject to this paragraph.~~

1463 ~~(l) This subsection does not authorize a person to~~
 1464 ~~collocate or attach wireless facilities, including any antenna,~~
 1465 ~~micro wireless facility, or small wireless facility, on a~~
 1466 ~~privately owned utility pole, a utility pole owned by an~~
 1467 ~~electric cooperative or a municipal electric utility, a~~
 1468 ~~privately owned wireless support structure, or other private~~
 1469 ~~property without the consent of the property owner.~~

1470 ~~(m) The approval of the installation, placement,~~
 1471 ~~maintenance, or operation of a small wireless facility pursuant~~
 1472 ~~to this subsection does not authorize the provision of any~~
 1473 ~~voice, data, or video communications services or the~~
 1474 ~~installation, placement, maintenance, or operation of any~~
 1475 ~~communications facilities other than small wireless facilities~~

1476 ~~in the right-of-way.~~

1477 ~~(n) This subsection does not affect provisions relating to~~
 1478 ~~pass-through providers in subsection (6).~~

1479 ~~(o) This subsection does not authorize a person to~~
 1480 ~~collocate or attach small wireless facilities or micro wireless~~
 1481 ~~facilities on a utility pole, unless otherwise permitted by~~
 1482 ~~federal law, or erect a wireless support structure in the right-~~
 1483 ~~of-way located within a retirement community that:~~

1484 ~~1. Is deed restricted as housing for older persons as~~
 1485 ~~defined in s. 760.29(4)(b);~~

1486 ~~2. Has more than 5,000 residents; and~~

1487 ~~3. Has underground utilities for electric transmission or~~
 1488 ~~distribution.~~

1489
 1490 ~~This paragraph does not apply to the installation, placement,~~
 1491 ~~maintenance, or replacement of micro wireless facilities on any~~
 1492 ~~existing and duly authorized aerial communications facilities,~~
 1493 ~~provided that once aerial facilities are converted to~~
 1494 ~~underground facilities, any such collocation or construction~~
 1495 ~~shall be only as provided by the municipality's underground~~
 1496 ~~utilities ordinance.~~

1497 ~~(p) This subsection does not authorize a person to~~
 1498 ~~collocate or attach small wireless facilities or micro wireless~~
 1499 ~~facilities on a utility pole, unless otherwise permitted by~~
 1500 ~~federal law, or erect a wireless support structure in the right-~~

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1501 ~~of way located within a municipality that:~~
 1502 ~~1. Is located on a coastal barrier island as defined in s.~~
 1503 ~~161.053(1)(b)3.;~~
 1504 ~~2. Has a land area of less than 5 square miles;~~
 1505 ~~3. Has fewer than 10,000 residents; and~~
 1506 ~~4. Has, before July 1, 2017, received referendum approval~~
 1507 ~~to issue debt to finance municipal-wide undergrounding of its~~
 1508 ~~utilities for electric transmission or distribution.~~

1509
 1510 ~~This paragraph does not apply to the installation, placement,~~
 1511 ~~maintenance, or replacement of micro wireless facilities on any~~
 1512 ~~existing and duly authorized aerial communications facilities,~~
 1513 ~~provided that once aerial facilities are converted to~~
 1514 ~~underground facilities, any such collocation or construction~~
 1515 ~~shall be only as provided by the municipality's underground~~
 1516 ~~utilities ordinance.~~

1517 ~~(q) This subsection does not authorize a person to~~
 1518 ~~collocate small wireless facilities or micro wireless facilities~~
 1519 ~~on an authority utility pole or erect a wireless support~~
 1520 ~~structure in a location subject to covenants, conditions,~~
 1521 ~~restrictions, articles of incorporation, and bylaws of a~~
 1522 ~~homeowners' association. This paragraph does not apply to the~~
 1523 ~~installation, placement, maintenance, or replacement of micro~~
 1524 ~~wireless facilities on any existing and duly authorized aerial~~
 1525 ~~communications facilities.~~

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1526 ~~(r) An authority may require wireless providers to comply~~
1527 ~~with objective design standards adopted by ordinance. The~~
1528 ~~ordinance may only require:~~

1529 ~~1. A new utility pole that replaces an existing utility~~
1530 ~~pole to be of substantially similar design, material, and color;~~

1531 ~~2. Reasonable spacing requirements concerning the location~~
1532 ~~of a ground-mounted component of a small wireless facility which~~
1533 ~~does not exceed 15 feet from the associated support structure;~~

1534 ~~or~~

1535 ~~3. A small wireless facility to meet reasonable location~~
1536 ~~context, color, camouflage, and concealment requirements,~~
1537 ~~subject to the limitations in this subsection; and~~

1538 ~~4. A new utility pole used to support a small wireless~~
1539 ~~facility to meet reasonable location context, color, and~~
1540 ~~material of the predominant utility pole type at the proposed~~
1541 ~~location of the new utility pole.~~

1542
1543 ~~Such design standards under this paragraph may be waived by the~~
1544 ~~authority upon a showing that the design standards are not~~
1545 ~~reasonably compatible for the particular location of a small~~
1546 ~~wireless facility or utility pole or are technically infeasible~~
1547 ~~or that the design standards impose an excessive expense. The~~
1548 ~~waiver must be granted or denied within 45 days after the date~~
1549 ~~of the request.~~

1550 ~~(8) (a) Any person aggrieved by a violation of this section~~

1551 ~~may bring a civil action in a United States District Court or in~~
 1552 ~~any other court of competent jurisdiction.~~

1553 ~~(b) The court may:~~

1554 ~~1. Grant temporary or permanent injunctions on terms as it~~
 1555 ~~may deem reasonable to prevent or restrain violations of this~~
 1556 ~~section; and~~

1557 ~~2. Direct the recovery of full costs, including awarding~~
 1558 ~~reasonable attorney fees, to the party who prevails.~~

1559 ~~(9) All work in the authority's rights-of-way under this~~
 1560 ~~section must comply with the 2017 edition of the Florida~~
 1561 ~~Department of Transportation Utility Accommodation Manual.~~

1562 Section 23. Paragraphs (a) through (e) and paragraphs (k)
 1563 and (l) of subsection (2) and subsections (4) and (6) of section
 1564 350.81, Florida Statutes, are amended to read:

1565 350.81 Communications services offered by governmental
 1566 entities.—

1567 (2)(a) A governmental entity that proposes to provide a
 1568 communications service shall hold no less than two public
 1569 ~~hearings, which shall be held not less than 30 days apart. At~~
 1570 ~~least 30 days before the first of the two public hearings,~~ The
 1571 governmental entity must give notice of the hearing in the
 1572 predominant newspaper of general circulation in the area
 1573 considered for service. At least 40 days before the first public
 1574 hearing, the governmental entity must electronically provide
 1575 notice to the Department of Revenue and the Public Service

1576 Commission, which shall post the notice on the department's and
 1577 the commission's website to be available to the public. ~~The~~
 1578 ~~Department of Revenue shall also send the notice by United~~
 1579 ~~States Postal Service to the known addresses for all dealers of~~
 1580 ~~communications services registered with the department under~~
 1581 ~~chapter 202 or provide an electronic notification, if the means~~
 1582 ~~are available, within 10 days after receiving the notice.~~ The
 1583 notice must include the time and place of the hearings and must
 1584 state that the purpose of the hearings is to consider whether
 1585 the governmental entity will provide communications services.
 1586 The notice must include, at a minimum, the geographic areas
 1587 proposed to be served by the governmental entity ~~and the~~
 1588 ~~services, if any, which the governmental entity believes are not~~
 1589 ~~currently being adequately provided. The notice must also state~~
 1590 ~~that any dealer who wishes to do so may appear and be heard at~~
 1591 ~~the public hearings.~~

1592 (b) At a public hearing required by this subsection, a
 1593 governmental entity must, at a minimum, consider:

1594 1. Whether the service that is proposed to be provided is
 1595 currently being offered in the community and, if so, whether the
 1596 service is generally available throughout the community.

1597 ~~2. Whether a similar service is currently being offered in~~
 1598 ~~the community and, if so, whether the service is generally~~
 1599 ~~available throughout the community.~~

1600 2.3. If the same ~~or similar~~ service is not currently

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1601 offered, whether any other service provider proposes to offer
1602 the same ~~or a similar service and, if so, what assurances that~~
1603 ~~service provider is willing or able to offer regarding the same~~
1604 ~~or similar service.~~

1605 3.4. The capital investment required by the government
1606 entity to provide the communications service, the estimated
1607 realistic cost of operation and maintenance and, using a full
1608 cost-accounting method, the estimated realistic revenues and
1609 expenses of providing the service and the proposed method of
1610 financing.

1611 4.5. The private and public costs and benefits of
1612 providing the service ~~by a private entity or a governmental~~
1613 ~~entity, including the affect on existing and future jobs, actual~~
1614 ~~economic development prospects, tax-base growth, education, and~~
1615 ~~public health.~~

1616 (c) At one or more of the public hearings under this
1617 subsection, the governmental entity must make available to the
1618 public a ~~written business~~ plan for the proposed communications
1619 service venture. ~~containing, at a minimum:~~

1620 ~~1. The projected number of subscribers to be served by the~~
1621 ~~venture.~~

1622 ~~2. The geographic area to be served by the venture.~~

1623 ~~3. The types of communications services to be provided.~~

1624 ~~4. A plan to ensure that revenues exceed operating~~
1625 ~~expenses and payment of principal and interest on debt within 4~~

1626 ~~years.~~

1627 ~~5. Estimated capital and operational costs and revenues~~

1628 ~~for the first 4 years.~~

1629 ~~6. Projected network modernization and technological~~

1630 ~~upgrade plans, including estimated costs.~~

1631 ~~(d) After making specific findings regarding the factors~~

1632 ~~in paragraphs (b) and (c),~~ The governmental entity may authorize

1633 providing a communications service by a majority recorded vote

1634 and by resolution, ordinance, or other formal means of adoption.

1635 ~~(e)~~1. The governing body of a governmental entity may

1636 issue one or more bonds to finance the capital costs for

1637 facilities to provide a communications service. ~~However:~~

1638 ~~1. A governmental entity may only pledge revenues in~~

1639 ~~support of the issuance of any bond to finance providing a~~

1640 ~~communications service:~~

1641 ~~a. Within the county in which the governmental entity is~~

1642 ~~located;~~

1643 ~~b. Within an area in which the governmental entity~~

1644 ~~provides electric service outside its home county under an~~

1645 ~~electric service territorial agreement approved by the Public~~

1646 ~~Service Commission before the effective date of this act; or~~

1647 ~~c. If the governmental entity is a municipality or special~~

1648 ~~district, within its corporate limits or in an area in which the~~

1649 ~~municipality or special district provides water, wastewater,~~

1650 ~~electric, or natural gas service, or within an urban service~~

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1651 ~~area designated in a comprehensive plan, whichever is larger,~~
1652 ~~unless the municipality or special district obtains the consent~~
1653 ~~by formal action of the governmental entity within the~~
1654 ~~boundaries of which the municipality or special district~~
1655 ~~proposes to provide service. For consent to be effective, any~~
1656 ~~governmental entity from which consent is sought shall be~~
1657 ~~located within the county in which the governmental entity is~~
1658 ~~located or that county.~~

1659 2. Revenue bonds issued in order to finance providing a
1660 communications service are not subject to the approval of the
1661 electors if the revenue bonds mature within 15 years. Revenue
1662 bonds issued to finance providing a communications service that
1663 does not mature within 15 years must be approved by the
1664 electors. The election must be conducted as specified in chapter
1665 100.

1666 (k) The governmental entity shall conduct an annual review
1667 at a formal public meeting to consider the progress the
1668 governmental entity is making toward reaching its ~~business~~ plan
1669 goals and objectives for providing communication services. At
1670 the public meeting the governmental entity shall review the
1671 related revenues, operating expenses, and payment of interest on
1672 debt.

1673 ~~(l) If, after 4 years following the initiation of the~~
1674 ~~provision of communications services by a governmental entity or~~
1675 ~~4 years after the effective date of this act, whichever is~~

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1676 ~~later, revenues do not exceed operating expenses and payment of~~
1677 ~~principal and interest on the debt for a governmental entity's~~
1678 ~~provision of communications services, no later than 60 days~~
1679 ~~following the end of the 4-year period a governmental entity~~
1680 ~~shall hold a public hearing at which the governmental entity~~
1681 ~~shall do at least one of the following:~~

1682 ~~1. Approve a plan to cease providing communications~~
1683 ~~services;~~

1684 ~~2. Approve a plan to dispose of the system the~~
1685 ~~governmental entity is using to provide communications services~~
1686 ~~and, accordingly, to cease providing communications services;~~

1687 ~~3. Approve a plan to create a partnership with a private~~
1688 ~~entity in order to achieve operations in which revenues exceed~~
1689 ~~operating expenses and payment of principal and interest on~~
1690 ~~debt; or~~

1691 ~~4. Approve the continuing provision of communications~~
1692 ~~services by a majority vote of the governing body of the~~
1693 ~~governing authority.~~

1694 (4) (a) If a governmental entity was providing, as of April
1695 1, 2005, advanced services, cable services, or
1696 telecommunications services, then ~~it is not required to comply~~
1697 ~~with paragraph (2) (a), paragraph (2) (b), paragraph (2) (c),~~
1698 ~~paragraph (2) (d), sub-subparagraph (2) (e) 1.c., paragraph (2) (f),~~
1699 ~~or paragraph (2) (k) in order to continue to provide advanced~~
1700 ~~services, cable services, or telecommunications services,~~

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1701 ~~respectively, but~~ it must comply with and be subject to all
 1702 ~~other~~ provisions of this section.

1703 (b) If a governmental entity, as of April 1, 2005, had
 1704 issued debt pledging revenues from an advanced service, cable
 1705 service, or telecommunications service, then ~~it is not required~~
 1706 ~~to comply with paragraph (2)(a), paragraph (2)(b), paragraph~~
 1707 ~~(2)(c), paragraph (2)(d), sub-subparagraph (2)(e)1.c., paragraph~~
 1708 ~~(2)(f), or paragraph (2)(k) in order to provide advanced~~
 1709 ~~services, cable services, or telecommunications services,~~
 1710 ~~respectively, but~~ it must comply with and be subject to all
 1711 other provisions of this section.

1712 (c) If a governmental entity, as of April 1, 2005, has
 1713 purchased equipment specifically for the provisioning of
 1714 advanced service, cable service, or telecommunication service,
 1715 and, as of May 6, 2005, has a population of less than 7,500, and
 1716 has authorized by formal action the providing of an advanced
 1717 service, cable service, or telecommunication service, then ~~it is~~
 1718 ~~not required to comply with paragraph (2)(a), paragraph (2)(b),~~
 1719 ~~paragraph (2)(c), paragraph (2)(d), sub-subparagraph (2)(e)1.c.,~~
 1720 ~~paragraph (2)(f), or paragraph (2)(k) in order to provide~~
 1721 ~~advanced service, cable service, or telecommunication service,~~
 1722 ~~respectively, but~~ it must comply with and be subject to all
 1723 other provisions of this section.

1724
 1725 This subsection does not relieve a governmental entity from

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1726 complying with subsection (5).

1727 (6) To ensure the safe and secure transportation of
1728 passengers and freight through an airport facility, as defined
1729 in s. 159.27(17), an airport authority or other governmental
1730 entity that provides or is proposing to provide communications
1731 services only within the boundaries of its airport layout plan,
1732 as defined in s. 333.01(6), to subscribers ~~which are integral~~
1733 ~~and essential~~ to the ~~safe and~~ secure transportation of
1734 passengers and freight through the airport facility, is exempt
1735 from this section. An airport authority or other governmental
1736 entity that provides or is proposing to provide shared-tenant
1737 service under s. 364.339, but not dial tone enabling subscribers
1738 to complete calls outside the airport layout plan, to one or
1739 more subscribers within its airport layout plan which are not
1740 integral and essential to the safe and secure transportation of
1741 passengers and freight through the airport facility is exempt
1742 from this section. ~~An airport authority or other governmental~~
1743 ~~entity that provides or is proposing to provide communications~~
1744 ~~services to one or more subscribers within its airport layout~~
1745 ~~plan which are not integral and essential to the safe and secure~~
1746 ~~transportation of passengers and freight through the airport~~
1747 ~~facility, or to one or more subscribers outside its airport~~
1748 ~~layout plan, is not exempt from this section. By way of example~~
1749 ~~and not limitation, the integral, essential subscribers may~~
1750 ~~include airlines and emergency service entities, and the~~

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1751 ~~nonintegral, nonessential subscribers may include retail shops,~~
1752 ~~restaurants, hotels, or rental car companies.~~

1753 Section 24. Section 366.032, Florida Statutes, is
1754 repealed.

1755 Section 25. Section 377.707, Florida Statutes, is
1756 repealed.

1757 Section 26. Subsection (9) of section 403.412, Florida
1758 Statutes, is amended to read:

1759 403.412 Environmental Protection Act.—

1760 ~~(9)(a) A local government regulation, ordinance, code,~~
1761 ~~rule, comprehensive plan, charter, or any other provision of law~~
1762 ~~may not recognize or grant any legal rights to a plant, an~~
1763 ~~animal, a body of water, or any other part of the natural~~
1764 ~~environment that is not a person or political subdivision as~~
1765 ~~defined in s. 1.01(8) or grant such person or political~~
1766 ~~subdivision any specific rights relating to the natural~~
1767 ~~environment not otherwise authorized in general law or~~
1768 ~~specifically granted in the State Constitution.~~

1769 ~~(b) This subsection does not limit the power of an~~
1770 ~~adversely affected party to challenge the consistency of a~~
1771 ~~development order with a comprehensive plan as provided in s.~~
1772 ~~163.3215 or to file an action for injunctive relief to enforce~~
1773 ~~the terms of a development agreement or challenge compliance of~~
1774 ~~the agreement as provided in s. 163.3243.~~

1775 ~~(c) This subsection does not limit the standing of the~~

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1776 ~~Department of Legal Affairs, a political subdivision or~~
1777 ~~municipality of the state, or a citizen of the state to maintain~~
1778 ~~an action for injunctive relief as provided in this section.~~

1779 Section 27. Section 403.7033, Florida Statutes, is amended
1780 to read:

1781 403.7033 Departmental analysis of particular recyclable
1782 materials.—The Legislature finds that prudent regulation of
1783 recyclable materials is crucial to the ongoing welfare of
1784 Florida's ecology and economy. As such, the Department of
1785 Environmental Protection shall review and update its 2010 report
1786 on retail bags analyzing the need for new or different
1787 regulation of auxiliary containers, wrappings, or disposable
1788 plastic bags used by consumers to carry products from retail
1789 establishments. The updated report must include input from state
1790 and local government agencies, stakeholders, private businesses,
1791 and citizens and must evaluate the efficacy and necessity of
1792 both statewide and local regulation of these materials. To
1793 ensure consistent and effective implementation, the department
1794 shall submit the updated report with conclusions and
1795 recommendations to the Legislature no later than December 31,
1796 2021. ~~Until such time that the Legislature adopts the~~
1797 ~~recommendations of the department, a local government, local~~
1798 ~~governmental agency, or state governmental agency may not enact~~
1799 ~~any rule, regulation, or ordinance regarding use, disposition,~~
1800 ~~sale, prohibition, restriction, or tax of such auxiliary~~

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1801 ~~containers, wrappings, or disposable plastic bags.~~

1802 Section 28. Paragraph (a) of subsection (4) of section
1803 489.117, Florida Statutes, is amended to read:

1804 489.117 Registration; specialty contractors.—

1805 (4) (a) A person whose job scope does not substantially
1806 correspond to either the job scope of one of the contractor
1807 categories defined in s. 489.105(3) (a)–(o), or the job scope of
1808 one of the certified specialty contractor categories established
1809 by board rule, is not required to register with the board. A
1810 ~~local government, as defined in s. 163.211, may not require a~~
1811 ~~person to obtain a license for a job scope which does not~~
1812 ~~substantially correspond to the job scope of one of the~~
1813 ~~contractor categories defined in s. 489.105(3) (a)–(o) and (q) or~~
1814 ~~authorized in s. 489.1455(1). For purposes of this section, job~~
1815 ~~scopes for which a local government may not require a license~~
1816 ~~include, but are not limited to, painting; flooring; cabinetry;~~
1817 ~~interior remodeling; driveway or tennis court installation;~~
1818 ~~handyman services; decorative stone, tile, marble, granite, or~~
1819 ~~terrazzo installation; plastering; stuccoing; caulking; and~~
1820 ~~canvas awning and ornamental iron installation.~~

1821 Section 29. Subsection (1) of section 489.1455, Florida
1822 Statutes, is amended to read:

1823 489.1455 Journeyman; reciprocity; standards.—

1824 ~~(1) Counties and municipalities are authorized to issue~~
1825 ~~journeyman licenses in the plumbing, pipe fitting, mechanical,~~

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1826 ~~or HVAC trades.~~

1827 Section 30. Subsection (1) of section 489.5335, Florida
1828 Statutes, is amended to read:

1829 489.5335 Journeyman; reciprocity; standards.—

1830 ~~(1) Counties and municipalities are authorized to issue~~
1831 ~~journeyman licenses in the electrical and alarm system trades.~~

1832 Section 31. Subsection (7) of section 499.002, Florida
1833 Statutes, is amended to read:

1834 499.002 Purpose, administration, and enforcement of and
1835 exemption from this part.—

1836 ~~(7) Notwithstanding any other law or local ordinance or~~
1837 ~~regulation to the contrary, the regulation of over-the-counter~~
1838 ~~proprietary drugs and cosmetics is expressly preempted to the~~
1839 ~~state.~~

1840 Section 32. Section 500.90, Florida Statutes, is repealed.

1841 Section 33. Subsection (4) of section 790.251, Florida
1842 Statutes, is amended to read:

1843 790.251 Protection of the right to keep and bear arms in
1844 motor vehicles for self-defense and other lawful purposes;
1845 prohibited acts; duty of public and private employers; immunity
1846 from liability; enforcement.—

1847 (4) PROHIBITED ACTS.—No public or private employer may
1848 violate the constitutional rights of any customer, employee, or
1849 invitee as provided in paragraphs (a)–(e):

1850 (a) No public or private employer may prohibit any

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1851 customer, employee, or invitee from possessing any legally owned
1852 firearm when such firearm is lawfully possessed and locked
1853 inside or locked to a private motor vehicle in a parking lot and
1854 when the customer, employee, or invitee is lawfully in such
1855 area.

1856 (b) No public or private employer may violate the privacy
1857 rights of a customer, employee, or invitee by verbal or written
1858 inquiry regarding the presence of a firearm inside or locked to
1859 a private motor vehicle in a parking lot or by an actual search
1860 of a private motor vehicle in a parking lot to ascertain the
1861 presence of a firearm within the vehicle. Further, no public or
1862 private employer may take any action against a customer,
1863 employee, or invitee based upon verbal or written statements of
1864 any party concerning possession of a firearm stored inside a
1865 private motor vehicle in a parking lot for lawful purposes. A
1866 search of a private motor vehicle in the parking lot of a public
1867 or private employer to ascertain the presence of a firearm
1868 within the vehicle may only be conducted by on-duty law
1869 enforcement personnel, based upon due process and must comply
1870 with constitutional protections.

1871 (c) No public or private employer shall condition
1872 employment upon either:

- 1873 1. The fact that an employee or prospective employee holds
1874 or does not hold a license issued pursuant to s. 790.06; or
- 1875 2. Any agreement by an employee or a prospective employee

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

1879 (d) No public or private employer shall prohibit or
 1880 attempt to prevent any customer, employee, or invitee from
 1881 entering the parking lot of the employer's place of business
 1882 because the customer's, employee's, or invitee's private motor
 1883 vehicle contains a legal firearm being carried for lawful
 1884 purposes, that is out of sight within the customer's,
 1885 employee's, or invitee's private motor vehicle.

1886 (e) No public or private employer may terminate the
 1887 employment of or otherwise discriminate against an employee, or
 1888 expel a customer or invitee for exercising his or her
 1889 constitutional right to keep and bear arms or for exercising the
 1890 right of self-defense as long as a firearm is never exhibited on
 1891 company property for any reason other than lawful defensive
 1892 purposes.

1893
 1894 This subsection applies to all public sector employers,
 1895 ~~including those already prohibited from regulating firearms~~
 1896 ~~under the provisions of s. 790.33.~~

1897 Section 34. Section 569.0025, Florida Statutes, is
 1898 repealed.

1899 Section 35. Section 569.315, Florida Statutes, is
 1900 repealed.

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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~~
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, is repealed.

1922 Section 39. This act shall take effect July 1, 2022.