

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

AMEND House Committee Substitute for Senate Bill No. 114, Page 5, Section 67.405, Line 17, by inserting immediately after all of said section and line the following:

"67.5096. 1. Authorities may continue to exercise zoning, land use, planning, and permitting authority within their territorial boundaries with regard to the siting of new wireless support structures, subject to the provisions of sections 67.5090 to 67.5103, including without limitation section 67.5094, and subject to federal law.

2. Any applicant that proposes to construct a new wireless support structure within the jurisdiction of any authority, planning or otherwise, that has adopted planning and zoning regulations in accordance with sections 67.5090 to 67.5103 shall:

(1) Submit the necessary copies and attachments of the application to the appropriate authority. Each application shall include a copy of a lease, letter of authorization or other agreement from the property owner evidencing applicant's right to pursue the application; and

(2) Comply with applicable local ordinances concerning land use and the appropriate permitting processes.

3. Disclosure of records in the possession or custody of authority personnel, including but not limited to documents and electronic data, shall be subject to chapter 610.

4. The authority, within one hundred twenty calendar days of receiving an application to construct a new wireless support structure or within such additional time as may be mutually agreed to by an applicant and an authority, shall:

(1) Review the application in light of its conformity with applicable local zoning regulations. An application is deemed to be complete unless the authority notifies the applicant in writing, within thirty calendar days of submission of the application, of the specific deficiencies in the application which, if cured, would make the application complete. Upon receipt of a timely written notice that an application is deficient, an applicant may take thirty calendar days from receiving such notice to cure the specific deficiencies. If the applicant cures the deficiencies within thirty calendar days, the application shall be reviewed and processed within one hundred twenty calendar days from the initial date the application was received. If the applicant requires a period of time beyond thirty calendar days to cure the specific deficiencies, the one hundred twenty calendar days' deadline for review shall be extended by the same period of time;

(2) Make its final decision to approve or disapprove the application; and

(3) Advise the applicant in writing of its final decision.

5. If the authority fails to act on an application to construct a new wireless support structure within the one hundred twenty calendar days' review period specified under subsection 4 of this section or within such additional time as may be mutually agreed to by an applicant and an authority, the application shall be deemed approved.

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1           6. A party aggrieved by the final action of an authority, either by its affirmatively denying  
2 an application under the provisions of this section or by its inaction, may bring an action for review  
3 in any court of competent jurisdiction within this state.

4           7. A new wireless support structure shall not be placed in the public right-of-way unless  
5 such placement is approved by the process set forth under this section. A new utility pole that is to  
6 be placed in the public right-of-way for the purpose of supporting wireless facilities and is not  
7 replacing an existing utility pole shall be subject to the same municipal approval process as other  
8 utility poles. For the purpose of this subsection, a structure shall be considered a wireless support  
9 structure, and not a utility pole, if it exceeds the greater of:

10           (a) Ten feet above the tallest existing utility pole already in the public right-of-way as of  
11 August 28, 2017, located within five hundred feet of the applicant's proposed structure; or

12           (b) Fifty feet above ground level."; and  
13

14 Further amend said bill by amending the title, enacting clause, and intersectional references  
15 accordingly.