



NEIGHBORHOOD DEVELOPMENT SERVICES DEPARTMENT

Planning Division

MEMO

Advanced Wireless Infrastructure Deployment Act

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On April 28, 2017 the State of Florida Senate and House of Representatives enacted HB 687, known as the Advanced Wireless Infrastructure Deployment Act. This act impacts local governmental entities' authority to prescribe and enforce rule or regulations for wireless communications facilities in the right-of-way. The following is a summary of the Act:

- References throughout the Statute are made to the term "applicable codes." The definition for this term includes local codes or ordinances adopted to implement this Act. Additionally, the definition allows for objective design standards adopted by ordinance.
- An authority may not prohibit, regulate, or charge for the collocation of small wireless facilities in the public rights-of-way except as provided for in this Act.
- Authorities have been granted a 30 day time period in which they are able to negotiate with an applicant regarding the location of proposed small wireless facilities. Minimum separation between facilities is preempted from local regulation.
- Small wireless facilities are limited to a height of 10 feet above the utility pole or other structure they are located on. New utility poles are limited to the height of the tallest existing utility pole within 500 feet. If no pole exists in that distance, the height is limited to 50 feet.
- An authority must notify the applicant within 14 days whether the application is complete. Review for approval of the application must be complete within 60 days. If an applicant is not notified in this time frame, their application will automatically be deemed approved. Any revisions to cure a disapproved application must be received by the authority within 30 days and reviewed within 30 days from receipt.
- An applicant may submit a consolidated application which may include up to 30 small wireless facilities. The authority may address, approve or deny these facilities separately.

- An authority may deny a proposed collocation for one of the following reasons:
 - Interferes with safe operation of traffic control equipment
 - Interferes with sight lines or clear zones for transportation, pedestrians, or public safety purposes
 - Interferes with compliance with the Americans with Disabilities Act or other standards for pedestrian access/movement
 - Fails to comply with the 2010 edition of the Florida Department of Transportation Utility Accommodation Manual
 - Fails to comply with applicable codes
- An authority may reserve space on a utility pole, however this is not grounds for denial for a collocation of a small wireless facility.
- An authority is not allowed to require fees and/or approvals for the following:
 - Routine maintenance
 - Replacement of existing wireless facilities with those that are substantially similar or of the same or similar size
 - Installation, placement, maintenance, or replacement of micro wireless facilities that are suspended on cables strung between existing utility poles
- The following regulations are in place regarding collocation of small wireless facilities on authority utility poles:
 - An authority may not enter into an exclusive agreement with any person
 - Rates and fees must be nondiscriminatory
 - Rate to collocate may not exceed \$150 per pole annually
 - Agreements in place prior to July 1, 2017 remain in effect subject to applicable termination provisions
 - A person owning or controlling an authority utility pole shall make available through ordinance rates, fees, and terms for the collocation of small wireless facilities by January 1, 2018 or 3 months after receiving a request to collocate its first small wireless facility
- If an authority utility pole supports aerial facilities, make-ready work must be performed under the process in 47 U.S.C. s. 224 and implementing regulations.
- If an authority utility pole does not support an aerial facility, a good faith estimate for make-ready work must be provided within 60 days. Once this estimate is accepted by the applicant, the work must be completed within 60 days.
 - An authority may require the applicant to provide the make-ready estimate and perform the work, however if this route is taken the authority may not condition or restrict the manner in which the applicant does this work.
 - Only work required to meet applicable codes or industry standards may be required, and fees may not exceed actual costs.
- A wireless provider must comply with nondiscriminatory undergrounding requirements of an authority.
- A wireless provider may apply to place utility poles in the public rights-of-way to support collocation, provided such utility pole will be used by a wireless service provider within 9 months from the date the application is approved. These applications are subject to the same application process detailed above for collocations.