



DAILY BRIEF

For the 2019 Legislative Session

From April 2, 2019

TAXATION

HB 693 – Relating to Communication Services

On Tuesday, April 2, **HB 693** by Representative Jason Fischer (R-Jacksonville) was heard before the House Ways and Means Committee and was reported favorably with 14 yeas and 1 nay. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

This bill changes the way public rights-of-way (ROW) providers of communications services are governed. In particular, the bill:

- Removes the ability of local governments to charge limited permit fees for use of the ROW but grandfathers local governments who currently require such fees;
- Establishes limits on registration requirements imposed by local governments;
- Prohibits local governments from imposing requirements and charges for the placement or operation of communications facilities in the ROW by authorized providers;
- Gives providers a point of entry to suggest amendments to ROW ordinances not properly noticed;
- Specifies a timeline for permitting of all communications facilities;
- Requires that written, 60-day notice of all ROW rules and regulations be given to affected providers;
- Modifies definitions related to the permitting of small wireless facilities (SWFs);
- Prohibits local governments from prohibiting, regulating, or charging for installation, operation, and other work done on utility poles used to collocate SWFs in the ROW;
- Prohibits local governments from establishing certain requirements as a condition of permitting collocation of SWFs;
- Exempts utility poles used to support SWFs from authority rules and regulations governing the placement of utility poles in the ROW;
- Prohibits an authority from instituting any type of moratorium that would delay the issuance of permits for collocation of SWFs or the installation of utility poles used to support collocation; and
- Repeals a requirement on wireless providers to comply with certain undergrounding requirements.

HB 693 will now move to the House Commerce Committee.

AIF supports legislation that will reduce the communications services tax and have a positive financial impact on Florida's consumers who pay for cable or satellite service.

INSURANCE

SB 1140 – Relating to Attorney Fees and Costs

On Tuesday, April 2, **SB 1140** by Senator Travis Hutson (R-Palm Coast) was heard before the Senate Community Affairs Committee and was reported favorably with 5 yeas and 0 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

This bill authorizes the payment of attorney fees and costs to a party challenging the adoption or enforcement of a local government ordinance on preemption grounds if a court finds that the subject of the ordinance has been preempted by the Constitution or State law. However, a local government may avoid liability for attorney fees and costs if the challenged ordinance is repealed or withdrawn within 21 days of either (1) receiving written notice of the claim or (2) the filing of a motion for attorney fees, whichever is earlier.

SB 1140 will now move to the Senate Rules Committee.

AIF supports legislation that removes onerous regulations and creates a climate in which business can grow.