

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

Offered By  
\_\_\_\_\_

1 AMEND House Bill No. 1454, in the Title, Lines 1 to 3, by deleting all of said lines and inserting in  
2 lieu thereof the following:

3  
4 "To repeal section 67.5098 as enacted by senate substitute for senate committee substitute for senate  
5 bill no. 650, ninety seventh general assembly, second regular session, and to enact in lieu thereof one  
6 new section relating to communications infrastructure deployment."; and

7  
8 Further amend said bill, Section A, Page 1, Lines 1 to 4 by deleting all of said section and inserting  
9 in lieu thereof the following:

10  
11 "Section A. Section 67.5098 as enacted by senate substitute for senate committee substitute for  
12 senate bill no. 650, ninety seventh general assembly, second regular session, is repealed and one new  
13 section enacted in lieu thereof, to be known as section 67.5098, to read as follows:"; and

14  
15 Further amend said bill by removing sections 67.5090, 67.5092, 67.5094, 67.5096, 67.5098,  
16 67.5100, 67.5102, and 67.5103 from the bill and inserting in lieu thereof the following:

17  
18 "67.5098. 1. Authorities may continue to exercise zoning, land use, planning, and  
19 permitting authority within their territorial boundaries with regard to applications for substantial  
20 modifications of wireless support structures, subject to the provisions of sections 67.5090 to  
21 67.5103, including without limitation section 67.5094, and subject to federal law.

22 2. Any applicant that applies for a substantial modification of a wireless support structure  
23 within the jurisdiction of any authority, planning or otherwise, that has adopted planning and zoning  
24 regulations in accordance with sections 67.5090 to 67.5103 shall:

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

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

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

32 4. The authority, within [ninety] one hundred twenty calendar days of receiving an  
33 application for a substantial modification of wireless support structures, shall:

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

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

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

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

13 5. If the authority fails to act on an application for a substantial modification within the  
14 [ninety] one hundred twenty calendar days' review period specified under subsection 4 of this  
15 section, or within such additional time as may be mutually agreed to by an applicant and an  
16 authority, the application for a substantial modification shall be deemed approved.

17 6. A party aggrieved by the final action of an authority, either by its affirmatively denying an  
18 application under the provisions of this section or by its inaction, may bring an action for review in  
19 any court of competent jurisdiction within this state."; and  
20

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