

FLORIDA ASSOCIATION OF COUNTIES

FAQ: REGULATING THE COLLOCATION OF WIRELESS SERVICES PROVIDERS (SMALL CELLS)

On June 23, 2017, Governor Scott signed HB 687 into law authorizing “Wireless Services Providers” to collocate small wireless facilities (a.k.a., Small Cells) on county utility poles located in the right-of-way (ROW). The law extends this authority to “Wireless Infrastructure Providers,” who do not provide wireless services but, rather, construct stand-alone poles and towers for Wireless Service Providers. While the law preempts counties from prohibiting both the collocation of small cells and the placement of new poles by Wireless Infrastructure Providers, it allows limited local regulation, including location standards and height limitations.

WHAT CAN BE REGULATED?

COLLOCATIONS:

- Small cells may be no more than 10’ feet above the height of the utility pole.

NEW POLLS & REPLACEMENT POLES:

- 10’ above the tallest existing utility pole within 500’; **or**
- 50’ above ground level if there are no other poles.

NEW POLLS & REPLACEMENT POLES:

- Locals may enforce historic preservation zoning regulations.
- Locals may require objective design standards that require a new utility pole that replaces an existing utility pole to be of substantially similar design, material, and color or that may require reasonable spacing requirements concerning the location of ground-mounted equipment

WHAT ARE LOCAL REVIEW REQUIREMENTS?

60 - 90 DAYS*

Total Review Time

14 DAYS

Sufficiency Review

60 DAYS

Standard Review Period

**Optional Negotiation Period for Alternate Site: Additional 30 days*

WHAT FEES MAY BE CHARGED?

- Counties may charge an application fee.
- Counties may also charge a per-pole collocation fee not to exceed \$150 annually

MAY COUNTY DENY A COLLOCATION APPLICATION?

Yes. The law provides that a county may deny an application if the proposed collocation:

- Materially interferes with the safe operation of traffic control equipment
- Materially interferes with sight lines or clear zones for transportation, pedestrians, or public safety purposes;
- Materially interferes with compliance with the Americans with Disabilities Act or similar law;
- Materially fails to comply with the 2010 edition of the DOT Utility Accommodation Manual; or
- Fails to comply with “applicable codes” as defined in law (e.g., Uniform building, fire, electrical, plumbing, or mechanical codes)

