

RESOLUTION NO. 2017-090

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, URGING ALL MEMBERS OF THE FLORIDA LEGISLATURE TO OPPOSE SENATE BILL 596 AND HOUSE BILL 687 PREEMPTING LOCAL GOVERNMENT CONTROL OF TAXPAYER-OWNED PUBLIC STRUCTURES AND RIGHTS-OF-WAY FOR PLACEMENT OF “SMALL” OR “MICRO” WIRELESS ANTENNAS AND EQUIPMENT BY THE WIRELESS COMMUNICATIONS INDUSTRY; DIRECTING THE CITY CLERK TO TRANSMIT A CERTIFIED COPY OF THIS RESOLUTION TO GOVERNOR RICK SCOTT, THE FLORIDA SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE FLORIDA PRESIDENT OF THE SENATE, THE BROWARD LEAGUE OF CITIES, THE FLORIDA LEAGUE OF CITIES, AND THE BROWARD COUNTY LEGISLATIVE DELEGATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Senate Bill 596 (SB 596) and House Bill 687 (HB 687) have been introduced in the Florida Legislature and would give telecommunications companies unfettered access to public structures and public rights-of-way; and

WHEREAS, this legislation would prohibit local governments from regulating anything except applicable building codes for this wireless infrastructure; and

WHEREAS, wireless communications providers and speculators will be able to ignore land development regulations, pedestrian movement, traffic view zones, traffic circulation as well as safety and aesthetic considerations; and

WHEREAS, by unreasonably capping the permit application and attachment fees as well as limiting the permit review timeframe, the bills require taxpayers to subsidize the business interests of wireless communications providers; and

WHEREAS, SB 596/HB 687 require a city, at its taxpayers' expense, to develop engineering and other structural reports on the city's own structures that a wireless

company may or may not decide to use for an antenna; and

WHEREAS, these bills would strip decision-making from the hands of the local communities' elected officials and interfere with the ability of hundreds of communities to protect public safety and maintain their local, unique look and feel; and

WHEREAS, the City of Coconut Creek's 2017 State Legislative Agenda supports the preservation of "Home Rule" and opposes any legislation that seeks to diminish powers granted to local government; and

WHEREAS, the City Commission believes the opposition of SB 596 and HB 687 would be in the best interests of the residents and businesses of the City of Coconut Creek and the State of Florida; and

WHEREAS, the City Commission urges all members of the Florida Legislature to oppose SB 596 and HB 687 preempting local government control of taxpayer-owned public structures and rights-of-way for placement of "small" or "micro" wireless antennas and equipment by the wireless communications industry.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA:

Section 1: That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution.

Section 2: That the City Commission of the City of Coconut Creek urges all members of the Florida Legislature to oppose SB 596 and HB 687, preempting local government control of taxpayer-owned public structures and rights-of-way for placement of "small" or "micro" wireless antennas and equipment by the wireless communications industry.

Section 3: That the City Commission further directs the City Clerk to transmit a certified copy of this Resolution to Governor Rick Scott, the Florida Speaker of the House of Representatives, the Florida President of the Senate, the Broward League of Cities, the Florida League of Cities, and the Broward County Legislative Delegation.

Section 4: That all Resolutions or parts of Resolutions in conflict herewith, be and the same are repealed to the extent of such conflict.

Section 5: That if any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or in application, it shall not affect the validity of the remaining portion or applications of this Resolution.

Section 6: That this Resolution shall be in full force and effect immediately upon its adoption.

Adopted this 9th day of March, 2017.

Mikkie Belvedere, Mayor

Attest:

Leslie Wallace May, City Clerk

Belvedere Aye

Rydell Aye

Sarbone Aye

Tooley Aye

Welch Aye