



Legislation Details (With Text)

**File #:** RES 2019-120      **Name:** Oppose State Legislation on Communications Services

**Type:** Resolution      **Status:** Passed

**File created:** 4/16/2019      **In control:** City Commission

**On agenda:** 4/25/2019      **Final action:** 4/25/2019

**Title:** A RESOLUTION OPPOSING PROPOSED STATE LEGISLATION ON COMMUNICATIONS SERVICES FILED UNDER FLORIDA SENATE BILL 1000, AND ITS COMPANION FLORIDA HOUSE BILL 693, THAT SEEK, IN ALL RESPECTS, TO PREEMPT LOCAL REGULATION OF COMMUNICATIONS FACILITIES IN PUBLIC STREETS, PUBLIC RIGHTS-OF-WAY, AND UPON PUBLIC ASSETS THEREIN.

**Sponsors:** City Manager

**Indexes:** Opposing Legislation, Resolution

**Code sections:**

**Attachments:** 1. RESOLUTION 2019-120-Oppose Legislation Preempting Comm Svcs

Date	Ver.	Action By	Action	Result
4/25/2019	1	City Commission		

AGENDA ITEM REPORT

**TITLE:**

A RESOLUTION OPPOSING PROPOSED STATE LEGISLATION ON COMMUNICATIONS SERVICES FILED UNDER FLORIDA SENATE BILL 1000, AND ITS COMPANION FLORIDA HOUSE BILL 693, THAT SEEK, IN ALL RESPECTS, TO PREEMPT LOCAL REGULATION OF COMMUNICATIONS FACILITIES IN PUBLIC STREETS, PUBLIC RIGHTS-OF-WAY, AND UPON PUBLIC ASSETS THEREIN.

**BACKGROUND:**

In 2017, the Advanced Wireless Infrastructure Deployment Act preempted many aspects of local regulation regarding communications facilities in local rights-of-way; however, the Florida Legislature recognized that local governments have long been the stewards of local public streets and public assets in the rights-of-way in order to ensure the free and safe flow of people and goods, as well as to maintain vibrant communities. In so doing, Section 337.401, Florida Statutes, currently allows local jurisdictions to enact reasonable regulations in the following areas: location of ground-mounted equipment; objective design standards including color, stealth, concealment, similar design and material of wireless facilities and structures; registration of certain entities prior to installation in the rights-of-way; maintenance, insurance, proscribe the permit process for such installations; manage right-of-way operations; safeguard against threats of destruction of property or injury to persons; indemnification; limitation on local jurisdiction liability, warranties, surety bonds, security funds, force majeure provisions; and the treatment of abandonment of wireless facilities. This year new legislation was proposed, moving very quickly through its assigned committees, and it seeks to strip away those

areas that were left to the local jurisdictions.

**DISCUSSION:**

If the currently proposed legislation on communications services, Florida Senate Bill 1000 and its companion Florida House Bill 693, is adopted during the 2019 State Legislative Session, there will be no oversight on the installation of communications facilities in local rights-of-way. The City Commission of the City of Coconut Creek finds and determines that it is in the best interest of its residents, business owners, and visitors to oppose the currently proposed legislation on communications services, as it gives communications services facilities a superior place in the law above considerations for public safety, public utility services such as water, sewer and electricity, the traveling public, environmental concerns, aesthetic beauty of our communities and its economic development.

**RECOMMENDATION:**

Staff recommends approval of this resolution.

**FISCAL IMPACT:** N/A