

RESOLUTION NO. 2186-17

A RESOLUTION OF THE CITY OF WINTER PARK, FLORIDA ASKING GOVERNOR RICK SCOTT TO VETO CS/CS/HB 687 AND SUPPORT THE HOME RULE AUTHORITY GRANTED AND GUARANTEED LOCAL MUNICIPALITIES BY THE FLORIDA CONSTITUTION;

WHEREAS, CS/CS/HB 687 is a lobbyist and wireless industry led initiative intentionally crafted to circumvent the authority of municipalities to set rules, regulations and rates that are in their constituents best interests; and

WHEREAS, CS/CS/HB 687 preempts municipalities from determining what is best for their constituents, for a non-essential, private-industry subsidy; and

WHEREAS, Cities, Towns and Villages are voluntarily created and chartered by their citizens as the embodiment of local self-determination; and

WHEREAS, it is widely accepted that government closest to the people, is most representative and effective; and

WHEREAS, In 1968, Florida voters amended the state constitution to confer broad "Home Rule" powers to municipal government, under Article VIII, Section 2(b); and

WHEREAS, The Florida Legislature adopted the Home Rule Powers Act in 1973, which ended challenges related to city and county powers; and

WHEREAS, to date eighty cities in Ohio have banded together to file suit against the state of Ohio for a similar lobbyist/wireless industry led initiative; and

WHEREAS, without CS/CS/HB 687 the wireless industry is in no way denied the ability to implement a wireless network within city boundaries; and

WHEREAS, municipalities embrace technology advancement however not at the expense of local community priorities such as aesthetics; and

WHEREAS, exemptions granted to specific municipalities in the bill reveal representative/senator acquiescence that this is non-essential technology; and

WHEREAS, the maximum rates set forth in CS/CS/HB 687 are between 7.5% and 12.5% of recent negotiated market rates, further negatively impacting municipalities while profiting special interest groups; and

WHEREAS, the Florida Department of Transportation (FDOT) is exempt from CS/CS/HB 687 allowing for rate negotiation but denying municipalities similarly; and

WHEREAS, CS/CS/HB 687 has no requirement for colocation nor does it limit the number of poles in a vicinity, allowing for the proliferation of numerous devices and poles in concentrated area; and

WHEREAS, it is good practice to allow municipalities to determine rules, regulations and rates that meet the demands of their constituents so as to maintain the uniqueness of their own community; and

WHEREAS, CS/CS/HB 687 contradicts the will of the people of Florida, who expressed an unequivocal desire for broad Home Rule powers in their state constitution; and

WHEREAS, the City Commission believes the Florida State Legislature must adhere to the letter and importantly the intent of the Florida Constitution and allow municipalities to act in the manner approved by the voters, by rescinding proposed bills, and objecting to future bills, that detract from Home Rule Authority which is in the best interests of the residents and businesses of the City of Winter Park and the State of Florida.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, THAT:

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are incorporated herein by this reference.

Section 2. The City Commission of the City of Winter Park urges Governor Rick Scott to Veto CS/CS/HB 687.

Section 3 The City Commission further directs City Administration to transmit a certified copy of this Resolution to the Governor's Office, the Tri-County League of Cities, the Florida League of Cities, the Orange County Legislative Delegation, and any other interested parties.

Section 4. This Resolution shall become effective immediately upon its passage and adoption.

Passed and adopted by the City of Winter Park, Florida this 22nd day of May, 2017.

By: _____


Mayor Steve Leary

ATTEST: _____


Cynthia Bonham, City Clerk