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ORDINANCE OF MANATEE COUNTY,  
FLORIDA, AMENDING ORDINANCE 89-11,  
WHICH ORDINANCE PROVIDES FOR RIGHT-  
OF-WAY UTILIZATION REGULATIONS  
WITHIN UNINCORPORATED MANATEE  
COUNTY; SPECIFICALLY AMENDING  
SECTION 7 OF ORDINANCE 89-11 TO  
PROVIDE FOR LETTERS OF CREDIT AS AN  
ALTERNATIVE MEANS OF SECURITY; AND  
PROVIDING AN EFFECTIVE DATE.

SECRETARY OF STATE

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FILED

WHEREAS, the Board of County Commissioners of Manatee County, Florida, is empowered, pursuant to Sections 125.42 and 337.401, Florida Statutes, to prescribe and enforce reasonable rules and regulations for the placing and maintaining of facilities within County rights-of-way; and

WHEREAS, as Manatee County, Florida, continues to grow and urbanize, it has become necessary to regulate said activities in an effort to protect the health, safety, and welfare of the citizens of Manatee County; and

WHEREAS, the Board now deems it appropriate to provide for an alternative means of security to be posted by those who will place and maintain facilities within County rights-of-way.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, that:

1. Section 7 of Manatee County Ordinance 89-11 is hereby amended to read as follows:

Section 7. Performance Security.

A. Prior to the issuance of a permit pursuant to this Ordinance, the applicant shall deposit with the County, at the discretion of the Director, a surety bond or an irrevocable letter of credit in an amount as shall be determined by the Director. The amount of the security shall be established separately for each permit, so that the County will be protected against loss in the event of the failure of the permit holder to complete the work or make required repairs or restoration of damages involving the work or encroachment

authorized by the permits. Such performance security shall comply with all statutory requirements and shall be satisfactory to the Director as to form and manner of execution. If a surety bond is posted, it shall be substantially in conformance with attached Appendix "C."

- B. The performance security shall be released to the permittee upon the expiration of the guarantee period. The guarantee period shall be for a period of two (2) years following completion of the work. During the guarantee period, the permittee shall be responsible for the restoration, repair and maintenance of his work.
- C. An annual blanket surety bond, in an amount established by the Director, may be deposited to avoid the inconvenience and expense of obtaining individual bonds for each permit requested.
- D. If the surety or banking establishment on any bond or letter of credit furnished by the permittee is declared a bankrupt or becomes insolvent or its right to do business is terminated in the State of Florida, the permittee shall, within five (5) days thereafter, substitute another bond or letter of credit and surety, both of which must be acceptable to the Director.
- E. The requirements of this Section 7 shall not apply to Public Service Commission-regulated essential utility companies.

2. All other provisions of Ordinance 89-11 shall be unaffected by this Ordinance and shall remain in full force and effect.

3. This Ordinance shall take effect immediately upon acknowledgment from the Secretary of State that the Ordinance has been duly filed.

PASSED AND DULY ADOPTED, in open session, this 16<sup>th</sup> day of February, 1993.

BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA

By: *Rai C. Harris*  
Chairman

ATTEST: R. B. SHORE  
Clerk of the Circuit Court

*[Signature]*

Ordinance 93-03

STATE OF FLORIDA, COUNTY OF MANATEE

This is to certify that the foregoing is a true and correct copy of the documents on file in my office. Witness my hand and official seal this 23<sup>rd</sup> day of

February 1993

R. B. SHORE  
Clerk of Circuit Court

By:  *Evelyn Lloyd*  D.C.



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smh



FILED FOR RECORD  
R.B. SHORE  
CLERK CIRCUIT COURT  
MANATEE CO. FLORIDA

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FLORIDA DEPARTMENT OF STATE

Jim Smith  
Secretary of State

DIVISION OF ELECTIONS

Room 2002, The Capitol, Tallahassee, Florida 32399-0250  
(904) 488-8427

February 26, 1993

Honorable R. B. Shore  
Clerk of Circuit Court  
Manatee County Courthouse  
Post Office Box 1000  
Bradenton, Florida 34206

Attention: Evelyn Lloyd, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge your letter of February 22, 1993 and certified copies of Manatee County Ordinance Number 93-03 and 92-63, which were filed in this office on February 26, 1993.

The duplicate copies showing the filing date are being returned for your records.

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud".

Liz Cloud, Chief  
Bureau of Administrative Code

LC/mb

Enclosures (2)