

RESOLUTION 17-074

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, ESTABLISHING A TEMPORARY CESSATION OF THE ACCEPTANCE OF PERMIT APPLICATIONS FOR THE PLACEMENT, CONSTRUCTION OR INSTALLATION OF WIRELESS COMMUNICATION FACILITIES AND/OR STRUCTURES IN COUNTY RIGHTS OF WAY PENDING, REVISION OF THE COUNTY'S CODE TO ADDRESS THE RECENT AMENDMENTS TO FLORIDA STATUTE § 337.401; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Manatee County (County) owns, controls, and/or manages lands designated as right-of-way; and

WHEREAS, Manatee County Code § 2-28-21 *et. seq.* contains the County's current Right-of-Way Management Code; and

WHEREAS, on April 28, 2017, the Florida Legislature passed House Bill 687 (HB 687), amending Florida Statute § 337.401, which provides certain criteria and standards for the processing of applications and permitting of the installation of utility poles and the collocation of small wireless facilities on county or municipality utility poles; and

WHEREAS, Manatee County Code § 2-28-21 *et. seq.* conflicts with the amendments to Florida Statute § 337.401; and

WHEREAS, the Board of County Commissioners finds that revision to Manatee County Code § 2-28-21 *et. seq.* is necessary in order to comply with the amendments to Florida Statute § 337.401, scheduled to go into effect on July 1, 2017.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Manatee County, Florida, that:

1. The County's Rights-of-Way Management Division shall cease acceptance of applications for right-of-way permits for the placement, construction or installation of wireless communications facilities and/or structures in County right-of-way until the Board of County Commissioners (Board) adopts amendments to the Code that adequately address the amendments to Florida Statute § 337.40, or until midnight Monday, September 18, 2017, or until the Board otherwise rescinds this Resolution, whichever occurs first.
2. If any section, sentence, clause, or other provision of this Resolution shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional

the remaining sections, sentences, clauses, or provisions of this Resolution.

3. This Resolution shall take effect immediately upon its adoption.

DULY ADOPTED with a quorum present and voting this 20th day of June, 2017.



**BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA**

By: _____

A handwritten signature in blue ink, appearing to read "W. J. ...", is written over a horizontal line.

Chairperson

ATTEST: ANGELINA COLONNESO
CLERK OF THE CIRCUIT COURT AND COMPTROLLER

By: _____

A handwritten signature in blue ink, appearing to read "Robin ...", is written over a horizontal line.

Deputy Clerk