



# Broward County

## Legislation Text

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File #: 20-2080, Version: 1

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### **Broward County Commission Regular Meeting**

**Director's Name:** Andrew J. Meyers

**Department:** County Attorney

### **Information**

#### **Requested Action**

**MOTION TO ENACT** Ordinance, the title of which is as follows: **(continued from November 10, 2020 - Item No. 74):**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO WIRELESS COMMUNICATIONS; REPEALING SECTION 39-102 AND AMENDING CHAPTER 20, ARTICLE XX OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE"); AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

#### **Why Action is Necessary**

A Resolution directing the County Administrator to publish notice of public hearing to consider enactment of the Ordinance was adopted by the Board of County Commissioners at its meeting of October 6, 2020.

#### **What Action Accomplishes**

Amends Chapter 20, Article XX of the Broward County Code of Ordinances to provide Wireless Communications.

#### **Is this Action Goal Related**

No

#### **Previous Action Taken**

#### **Summary Explanation/Background**

Section 337.401, Florida Statutes, was amended by Senate Bill 1000 (2019) (the "Act"). The Act limits a local government agency's authority to regulate the placement and maintenance of wireless communications facilities in public rights-of-way. The Act provides that a county may prescribe and adopt objective design standards required of wireless communications providers for placement and maintenance of wireless communications facilities in its rights-of-way, but can no longer charge any fees for this access. The proposed Ordinance would repeal Section 39-102 and amend Chapter 20, Article XX of the Broward County Code of Ordinances to ensure consistency with the Act.

At its meeting of October 6, 2020, the Board approved a change to the public hearing date from October 20, 2020, to November 10, 2020, and approved an amendment to Section 20-591(c) of the proposed Ordinance, which has been incorporated on page 36.

On November 10, 2020, the public hearing for this Ordinance was opened and continued until December 8, 2020, to allow for notice of the public hearing to be published with the Florida Secretary of State.

**Source of Additional Information**

Michael J. Kerr, Deputy County Attorney, 954-357-7600

**Fiscal Impact**

**Fiscal Impact/Cost Summary**

The Office of Management and Budget has determined the estimated impact on the budget does not exceed the threshold required for a Fiscal Impact Statement.