

Item # 27

Substitute Section 20-591(c)

ADDITIONAL MATERIAL

Regular Meeting

OCTOBER 6, 2020

SUBMITTED AT THE REQUEST OF

**OFFICE of the COUNTY
ATTORNEY**

MEMORANDUM

TO: Board of County Commissioners

FROM: Mike J. Kerr, Deputy County Attorney /s/ *Mike J. Kerr*

DATE: October 5, 2020

RE: **Agenda Item No. 27 on the October 6, 2020, County Commission Agenda Relating to Wireless Communications**
CAO File: 451888

Agenda Item No. 27 on the published October 6, 2020, agenda of the Board of County Commissioners references a proposed ordinance that has been prepared by the Office of the County Attorney in response to and as required by Senate Bill 1000 (2019) which amended Section 337.401, Florida Statutes.

A revision is required to Section 20-591(c) of the proposed ordinance. The published version of the proposed ordinance states that the County will require registrants to submit a construction bond at the time of registration, which will be held by the County for the full registration period plus one (1) year. The revised page corrects this, stating that the construction bond must be submitted at the time a registrant applies for a construction permit, and that the bond will be held for no more than eighteen (18) months. Changes from the published agenda for October 6, 2020, are highlighted in grey, with new language being underlined and deleted language being struck through.

Please contact the County Attorney or me if you have any questions or need additional information regarding this matter.

MJK/AT/gf
Attachment

c: Bertha Henry, County Administrator
Robert Melton, County Auditor
Andrew J. Meyers, County Attorney

1 requires access to the secure area of the airport (the Airport Operations
2 Area), the Registrant shall comply with any additional insurance
3 requirements of the County's Aviation Department and the Risk
4 Management Division.

5 (c) ~~Permanent Performance and Payment~~ Construction Bond. Each
6 Registrant shall, ~~within thirty (30) days of after the Effective Date of its Registration~~
7 ~~under this article or within thirty (30) days of after the County's written consent to the~~
8 ~~transfer or assignment of a Registration~~ upon application for a permit to perform
9 construction in any County right-of-way, furnish to the County a performance construction
10 bond or an irrevocable letter of credit in the amount of One Hundred Thousand Dollars
11 (\$100,000.00) issued by a Florida bank or a federally insured lending institution in the
12 amount of One Hundred Thousand Dollars (\$100,000.00) authorized to do business
13 within the United States, provided that a claim against the financial instrument may be
14 made by electronic means, including by facsimile. The performance construction bond
15 or letter of credit shall will be used to ~~guarantee the compliance with performance~~
16 ~~requirements and payment of all sums which may become due to the County under this~~
17 ~~article~~ secure restoration of the post-construction rights-of-way to the pre-construction
18 condition. The performance construction bond or letter of credit shall will be maintained
19 ~~in the full amount specified herein throughout the term of the Registration, and for one~~
20 ~~(1) year after the Registration expires or is terminated~~ for up to eighteen (18) months
21 after the construction for which the bond applies is completed, without reduction or
22 allowances for any amounts which that are withdrawn or paid ~~pursuant to~~ under this
23 article. ~~In the event~~ If the Registrant is using the County's airport rights-of-way pursuant
24 to under any Registration, the Registrant shall comply with any additional permanent

Coding: Words in ~~struck through~~ type are deletions from existing text. Words in underscored type are additions.

1 ~~performance and payment~~ construction bond requirements of the County's Aviation
2 Department.

3 (d) All required insurance coverages and policies shall be without a deductible
4 unless approved in writing by the County's Risk Management Division.

5 (e) An operator may add the County to any existing bond, insurance policy, or
6 other financial instrument, and such proof of coverage will be accepted without any
7 conditions other than consent to venue for purposes of any litigation to which the County
8 is a party.

9 **Sec. 20-592. Enforcement and remedies Registration authority and content.**

10 (a) ~~Office of Information Technology Responsible for Administration.~~ The
11 County's ~~Office of Information Technology~~ Highway Construction & Engineering Division
12 is responsible for ~~enforcing and~~ administering this article, and its ~~Chief Information Officer~~
13 Director or designee is authorized to give any notice required by law or under any
14 ~~R~~egistration. The ~~Chief Information Officer~~ Director of the Highway Construction &
15 Engineering Division or designee is authorized to seek information from any operator
16 relative to this article, to establish forms for submission of ~~R~~egistrations and other
17 information, and to take all other actions necessary or appropriate ~~to~~ for the administration
18 of this article. Registrations ~~shall~~ will only be issued or revoked by action of the County's
19 ~~Office of Information Technology~~ Highway Construction & Engineering Division. If the
20 ~~R~~egistrant is occupying airport rights-of-way, then the County's Aviation Department
21 ~~shall~~ will be responsible for enforcing and administering this article in accordance with the
22 requirements set forth in this ~~S~~ection.

23 (b) ~~Minimum Contents of Every Registration~~ Minimum Contents of Every
24 Registration. In addition to satisfying the other applicable requirements of Divisions 4—

Coding: Words in ~~struck through~~ type are deletions from existing text. Words in
underscored type are additions.