

**RESOLUTION NO. 2017-04**

**A RESOLUTION OF THE TOWN OF BELLEAIR, FLORIDA, URGING ALL MEMBERS OF THE FLORIDA LEGISLATURE TO OPPOSE HB 687 AND SB 596 WHICH PREEMPTS LOCAL CONTROL OF TAXPAYER-OWNED RIGHTS OF WAY FOR PLACEMENT OF “SMALL” OR “MICRO” WIRELESS ANTENNAS AND EQUIPMENT ON OR NEXT TO EXISTING CELL PHONE TOWERS AND UTILITY POLES WITHIN MUNICIPALLY OWNED RIGHTS OF WAY; PROHIBITS LOCAL GOVERNMENTS FROM IMPOSING MINIMUM DISTANCES BETWEEN SMALL WIRELESS FACILITIES ANY NEW REGULATIONS ON BUSINESSES; DIRECTING TOWN ADMINISTRATION TO TRANSMIT A CERTIFIED COPY OF THIS RESOLUTION TO THE SUNCOAST LEAGUE OF CITIES, THE FLORIDA LEAGUE OF CITIES, THE PINELLAS COUNTY LEGISLATIVE DELEGATION, AND ANY OTHER INTERESTED PARTIES;**

**WHEREAS,** Cities are voluntarily created and chartered by their citizens as the embodiment of local self-determination; 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,** municipalities have the power to act for any valid municipal purpose except as prohibited by law; and

**WHEREAS,** municipality’s ability to timely act on local problems and opportunities will be limited by HB 687 and SB 596 to a state Legislature that holds session only once a year, and whose ability to address local problems will be contingent on the relative effectiveness of its representative in the state Legislature; and

**WHEREAS,** HB 687 and SB 596 contradicts the will of the people of Florida, who expressed an unequivocal desire for broad Home Rule powers in their state constitution; and

**WHEREAS,** HB 687 and SB 596 undercut the intent of municipal citizens, who voted to incorporate their communities and exercise the broad Home Rule powers granted by the Florida Constitution to govern themselves and, thereby, effectively address the unique concerns of their communities; and

**WHEREAS,** HB 687 and SB 596 could impair municipal charter provisions specifically adopted and approved by local voters to define their preferred form of self-government and safeguard issues of perennial importance to their communities; and

**WHEREAS**, state legislators may find themselves spending increasing amounts of time arbitrating over local problems and legislating on local issues, and less time attending to pressing statewide needs; and

**WHEREAS**, the Town Commission believes the opposition of HB 687 and SB 596 would be in the best interests of the residents and businesses of the Town of Belleair and the State of Florida.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF BELLEAIR, FLORIDA:**

**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 Town Commission of the Town of Belleair urges all members of the Florida Legislature to oppose the adoption of HB 687 and SB 596.

**Section 3** The Town Commission further directs Town Administration to transmit a certified copy of this Resolution to the Suncoast League of Cities, the Florida League of Cities, the Pinellas County Legislative Delegation, and any other interested parties.

**Section 3.** All Resolutions or parts of Resolutions in conflict herewith, be and the same are repealed to the extent of such conflict.

**Section 4.** If any section, sentence, clause or phrase of this Resolution is held to be invalid or unconstitutional by any court of contempt jurisdiction, then said holding shall in no way affect the validity of the reaming portions of this Resolution.

**Section 5.** This Resolution shall become effective immediately upon its passage and adoption.

**PASSED AND ADOPTED BY TOWN OF BELLEAIR, FLORIDA this 21<sup>st</sup> day of March, A.D., 2017.**

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Mayor

ATTEST:

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Town Clerk