

GOLDEN BEACH

RESOLUTION NO. 1838.07

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, MIAMI-DADE COUNTY, FLORIDA, EXPRESSING OPPOSITION TO HOUSE BILL 529 KNOWN AS THE "CONSUMER CHOICE ACT OF 2007" (H529), URGING FLORIDA LEGISLATIVE REPRESENTATIVES TO REFRAIN FROM ANY FORM OF SUPPORT OR CO-SPONSORSHIP OF H529 AND TO VOTE IN OPPOSITION TO H529, REQUESTING GOVERNOR CRIST TO ADVISE THE HOUSE AND SENATE LEADERSHIP THAT HE DOES NOT SUPPORT H529 IN ADVANCE OF THE OPENING OF THE 2007 REGULAR SESSION, AND DIRECTING THAT THIS RESOLUTION BE FORWARDED TO FLORIDA GOVERNOR CRIST, THE MIAMI-DADE COUNTY LEGISLATIVE DELEGATION, THE MAYOR OF EACH MUNICIPALITY IN MIAMI-DADE COUNTY, THE LEADERSHIP OF THE MIAMI-DADE COUNTY LEAGUE OF CITIES, THE LEADERSHIP OF THE FLORIDA LEAGUE OF CITIES, AND EACH MEMBER OF THE MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on January 23, 2007, Florida House Representative Anthony Traviesa introduced the Consumer Choice Act of 2007 (H529); and

WHEREAS, the bill prohibits municipalities and counties from negotiating terms and conditions from cable and video service providers wishing to do business within the local governments' jurisdiction in the future; and

WHEREAS, the bill deletes authorization for municipalities and counties to award cable service franchises and restrictions that require cable service companies not to operate without such franchise; and

WHEREAS, the bill designates the Florida Department of State as the authorizing authority for state-wide franchising of cable and video service providers, but prohibits the Department from imposing build out, construction, and deployment requirements on cable and video certificate holders; and

WHEREAS, the bill requires the Department of Agriculture and Consumer Services to receive all customer service complaints thereby eliminating citizen ability to seek remedy of complaints via their local government; and

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WHEREAS, the bill establishes requirements and limitations on municipalities and counties relating to access to public right-of-way; and

WHEREAS, the bill prohibits municipalities and counties from imposing any additional requirements on cable and video certificate holders; and

WHEREAS, the bill would deprive municipalities and counties of the authority to establish and maintain government owned and operated networks, known as institutional networks, that may be utilized by first responders and other government officials in the day-to-day management of local government business; and

WHEREAS, the bill would potentially reduce the amount of capacity which may be required by local governments to meet their public, educational, and government "PEG" access needs, while stripping local government of the ability to obtain capital support for the use of PEG capacity with the result that the communities' cable-related needs and interests may not be met; and

WHEREAS, the bill would deprive local citizens of the ability to address local issues locally, by removing to the state all customer service issues; and

WHEREAS, the bill would ultimately preempt all local authority over the provision of cable and video services within the community, including the ability of the local government to provide appropriate oversight to entities conducting business within their jurisdiction and in the local public rights-of-way; and

WHEREAS, for these reasons, the Town Council finds that it should oppose H529 and urges Florida Governor Crist, the Miami-Dade County Legislative Delegation, the mayor of each municipality in Miami-Dade County, the leadership of the Miami-Dade County League of Cities, the Leadership of the Florida League of Cities, and each member of the Miami-Dade County Board of County Commissioners to oppose H529; and

WHEREAS, the Town Council finds that this resolution should be forwarded to Florida Governor Crist, the Miami-Dade County Legislative Delegation, the mayor of each municipality in Miami-Dade County, the leadership of the Miami-Dade County League of Cities, the Leadership of the Florida League of Cities, and each member of the Miami-Dade County Board of County Commissioners.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, MIAMI-DADE COUNTY, FLORIDA, AS FOLLOWS:

Section 1: The foregoing recitals are hereby ratified and confirmed.

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Section 2: For the reasons stated herein above, the Town Council of the Town of Golden Beach, Miami-Dade County, Florida, declares its opposition to H529 and urges Florida Governor Crist, the Miami-Dade County Legislative Delegation, the mayor of each municipality in Miami-Dade County, the leadership of the Miami-Dade County League of Cities, the Leadership of the Florida League of Cities, and each member of the Miami-Dade County Board of County Commissioners to oppose H529.

Section 3: The Town Council requests Governor Crist to strongly consider advising the leadership of the House and Senate prior to the opening of the 2007 Regular Session that he does not support H529.

Section 4: The Town Council hereby directs that this resolution be forwarded immediately to Florida Governor Crist, the Miami-Dade County Legislative Delegation, the mayor of each municipality in Miami-Dade County, the leadership of the Miami-Dade County League of Cities, the Leadership of the Florida League of Cities, and each member of the Miami-Dade County Board of County Commissioners.

Section 5: This resolution shall become effective immediately upon its passage.

The Motion to adopt the foregoing Resolution was offered by Councilmember Lusskin, seconded by Vice Mayor Bernstein and on roll call the following vote ensued:

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|------------------------|------------|
| Mayor Glenn Singer | <u>Aye</u> |
| Vice Mayor Bernstein | <u>Aye</u> |
| Councilmember Einstein | <u>Aye</u> |
| Councilmember Lusskin | <u>Aye</u> |
| Councilmember Rojas | <u>Aye</u> |

PASSED AND ADOPTED by the Town Council of the Town of Golden Beach this 8th day of March, 2007.


MAYOR GLENN SINGER

ATTEST:


ELIZABETH SEWELL
TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:


TOWN ATTORNEY

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