

**GOLDEN BEACH, FLORIDA**

**RESOLUTION NO. 1678.05**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH FLORIDA, OPPOSING SENATE BILL 620 AND HOUSE BILL 0305; PROVIDING AN EFFECTIVE DATE

WHEREAS, Senate Bill 620 and House Bill 0305 were filed in the Florida legislature in January 2005; and

WHEREAS, Senate Bill 620 and House Bill 0305 purport to preempt the Town's home rule powers, creates exemptions from the Town's land development regulations and zoning codes, appears to allow unrestricted placement of cell towers in residential areas and purports to create unfunded mandates by limiting the ability of the Town to recover its administrative costs; and

WHEREAS, the Town Council opposes any legislation which preempts and prohibits local governments from examining the business need for any new facility, or the need for the placement of the tower at a specific location requested by the wireless carrier. This legislation may preempt local jurisdiction's siting hierarchies established in local zoning codes; and

WHEREAS, the Town Council oppose any legislation which interferes with the fee, surety, and/or insurance requirements the Town places on wireless carriers which as a practical matter may be greater than those imposed on "applicants seeking similar types of zoning, land use, or building-permit review"; and

WHEREAS, the Town Council opposes any legislation which interferes with the use and management of public rights-of-way.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Golden Beach, Florida:

Section 1: The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution.

Section 2: The Town Council of the Town of Golden Beach, Florida hereby opposes Bill 620 and House Bill 0305 because they do not promote the best interests of the Town of Golden Beach, and interferes with the Town's home rule powers.

Section 3: The Town Clerk is directed to provide a copy of this Resolution to the Miami-Dade County Legislative Delegation, the Miami-Dade League of Cities and the Florida League of Cities.

Section 4: This Resolution shall take effect upon it adoption.

**Sponsored by Administration.**

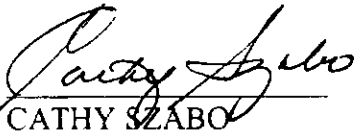
The Motion to adopt the foregoing resolution was offered by Mayor Singer seconded by Councilman Iglesias and on roll call the following vote ensued:

Mayor Singer	<u>AYE</u>
Vice Mayor Lusskin	<u>AYE</u>
Councilmember Einstein	<u>ABSENT</u>
Councilmember Iglesias	<u>AYE</u>
Councilmember Parus	<u>AYE</u>

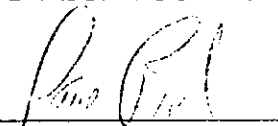
**PASSED AND ADOPTED** by the Town Council of the Town of Golden Beach this 22 day of February, 2005.

  
MAYOR GLENN SINGER

ATTEST:

  
CATHY SZABO  
TOWN CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

  
PAUL D. EICHNER  
TOWN ATTORNEY

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