

Town of Fort Myers Beach, Florida

RESOLUTION NO. 03-08

**A RESOLUTION OF THE TOWN OF FORT MYERS BEACH, FLORIDA, OPPOSING A PORTION OF SENATE BILL 1450 AND HOUSE BILL 1307 THAT PREEMPTS LOCAL GOVERNMENTS FROM USING THEIR LAWFUL ZONING POWERS WITH WIRELESS TELECOMMUNICATION FACILITIES; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Fort Myers Beach, Florida, is a fast growing community located in the lower Southwest region of Florida, in Lee County, bordering on Collier County; and

**WHEREAS**, the Town of Fort Myers Beach is creating its Land Development Code and desires the opportunity to thoughtfully prepare its telecommunication policy; and

**WHEREAS**, Senate Bill 1450 and House Bill 1307 in its mostly worthwhile objective to provide 911 services and coordinate emergency communications also has a section that preempts local zoning regulations of wireless telecommunication facilities, even for private providers; and

**WHEREAS**, the proposed legislation exempts wireless telecommunication facilities from local zoning regulations.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Fort Myers Beach of Lee County, Florida that:

1. Fort Myers Beach opposes Senate Bill 1450 and House Bill 1307 until such time that it is redrafted so that local governments may continue their zoning regulations. Town Council believes that the proposed legislation does not promote the best interests of Fort Myers Beach and is otherwise not in the public interest because it permits towers without any regard to zoning regulations, wherefore the Council opposes the session law.
2. Fort Myers Beach Town Council requests that the Lee County Local Legislative Delegation oppose the legislation until such time it is revised to recognize local home rule control as to zoning regulations and for leases of locally owned property for wire telecommunication purposes.
3. The Town Clerk is hereby directed to provide certified copies of this resolution to the following:

Florida Senator Dave Aronberg  
Florida Senator Michael S. Bennett  
Florida Senator Larcenia J. Bullard

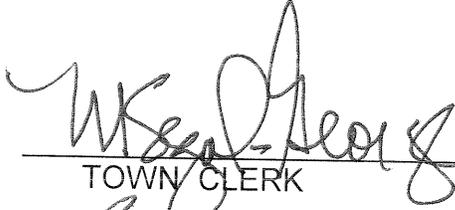
Florida Senator Burt L. Saunders  
 Florida Senator Lisa Carlton  
 Florida Representative J. Dudley Goodlette  
 Florida Representative Kenneth Allan Gottlieb  
 Florida Representative Carole Green  
 Florida Representative Lindsay M. Harrington  
 Florida Representative Jeffrey D. Kottkamp  
 Florida Representative Bruce Kyle  
 Florida Representative Jerry Paul  
 Mayor Arnold E. Kempe, Cape Coral  
 Mayor James T. Humphrey, Fort Myers  
 Mayor Paul Pass, Bonita Springs  
 Mayor Stephen Brown, Sanibel  
 Mayor Sammy Hamilton, Jr., Everglades City  
 A. William Moss, City Manager, Marco Island  
 Mayor Bonnie R. MacKenzie, Naples  
 Chairman Ray Judah, Lee County Board of County Commissioners  
 The Honorable Carmela Starace, President, Florida League of Cities

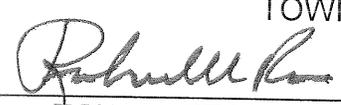
4. This Resolution shall take immediately upon its adoption.

**DULY PASSED AND ENACTED** by the Town Council of the Town of Fort Myers Beach, Lee County, Florida this 21st day of April, 2003.

**AUTHENTICATION:**

  
 \_\_\_\_\_  
 MAYOR

  
 \_\_\_\_\_  
 TOWN CLERK

APPROVED AS TO FORM:   
 \_\_\_\_\_  
 TOWN ATTORNEY

**Vote:**

Dan Hughes	<u>aye</u>	Bill Thomas	<u>aye</u>
Terry Cain	<u>aye</u>	Bill VanDuzer	<u>aye</u>
Howard Rynearson	<u>aye</u>		

Date filed with City Clerk: 4. 21. 03