

RESOLUTION NO. 2023-R-35

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, REQUESTING THE BROWARD DELEGATION OF THE FLORIDA LEGISLATURE TO PRIORITIZE AND DRAFT A BILL TO BE CONSIDERED DURING THE 2024 LEGISLATIVE SESSION ADDRESSING THE REMOVAL OR RELOCATION BY UTILITY OPERATORS OF OBSOLETE OR OUT-OF-SERVICE UTILITY HARDWARE AND OTHER INFRASTRUCTURE; PROVIDING FOR TRANSMITTAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in recent years, Florida Power & Light Company as well as other electric utility services providers have endeavored to harden aging utility infrastructure throughout the State of Florida by installing new power poles; and

WHEREAS, in many cases, the new hardened utility poles (the “New Poles”) are replacing older utility poles (the “Redundant Poles”) without relocating the wires and other appurtenances owned by other companies connected to the Redundant Poles (the “Pole Attachments”); and

WHEREAS, the utility services providers administering the hardening projects have no legal obligation to remove or relocate the remaining Pole Attachments; and

WHEREAS, State Law provides that the owners of the remaining Pole Attachments generally have 180 calendar days after receipt of an electronic or written notice from the pole owner to remove the Pole Attachments from the Redundant Poles; and

WHEREAS, the utility services providers have no legal obligation to remove or relocate Pole Attachments connected to Redundant Poles if that remaining Utility Infrastructure was installed by a different permit holder and if the Pole Attachment does

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not presently belong to the existing service provider; and

WHEREAS, installation of New Poles and other utility hardware without the ability or legal requirement to remove or relocate Pole Attachments has resulted in the proliferation of Redundant Poles and Pole Attachments, including wiring, throughout the City of Pembroke Pines; and

WHEREAS, the proliferation of Redundant Poles and remaining Pole Attachments throughout the City poses a public safety risk to the City's residents because many of the remaining Redundant Poles and Pole Attachments located along City streets abut commercial and residential neighborhoods and no longer receive maintenance. The Redundant Poles and Pole Attachments may endanger the City's residents by creating hazardous conditions and may be compromised during a storm event such as a hurricane; and

WHEREAS, the proliferation of Redundant Poles and the remaining Pole Attachments negatively affects the aesthetically pleasing character of the City that residents expect and enjoy; and

WHEREAS, the Broward Legislative Delegation's local bill submission deadline is September 29, 2023; and

WHEREAS, the City Commission finds that it is in the best interest of the residents of Pembroke Pines that the City request the Broward Delegation of the Florida Legislature to prioritize and present a bill addressing the removal or relocation by Utility Services Providers of Pole Attachments from Redundant Poles.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, AS FOLLOWS:

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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 City Commission hereby requests the Broward Delegation of the Florida Legislature to prioritize and present a bill during the Florida Legislature's 2024 legislative session addressing the removal or relocation of Pole Attachments from Redundant Poles.

Section 3. The City Clerk is directed to submit a certified copy of this Resolution to the elected State Senators and Representatives of the Broward Delegation, Andrea Knowles Hill as Executive Director of the Broward Delegation, Sydni B. Wilson as Administrative Coordinator of the Broward Delegation, Louis Reinstein, Esq. as Delegation Counsel of the Broward Delegation, the Governing Body of each municipality within Broward County, and such other authorities as may be appropriate.

Section 4. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

Section 6. This Resolution shall become effective immediately upon its passage and adoption.

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PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE
PINES, FLORIDA, THIS ____ DAY OF _____, 2023.

CITY OF PEMBROKE PINES, FLORIDA

By: _____
MAYOR FRANK C. ORTIS

ATTEST:

_____	ORTIS	_____
MARLENE GRAHAM, CITY CLERK	CASTILLO	_____
APPROVED AS TO FORM:	GOOD	_____
	SCHWARTZ	_____
_____	SIPLE	_____
OFFICE OF THE CITY ATTORNEY		