



**City of Coral Gables
CITY COMMISSION MEETING
October 8, 2019**

ITEM TITLE:

Resolution: A RESOLUTION OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA, OPPOSING PREEMPTION OF CITY AUTHORITY REGARDING THE DEPLOYMENT OF SMALL CELL TECHNOLOGY IN CITY PUBLIC RIGHTS-OF-WAY AND URGING THE FLORIDA LEGISLATURE TO REPEAL SECTION 337.401(7), FLORIDA STATUTES; PROVIDING FOR AN EFFECTIVE DATE.

BRIEF HISTORY:

In 2017, Florida enacted the Advance Wireless Infrastructure Deployment Act (“small cell statute”), codified at Section 337.401(7), Florida Statutes (“Section 337.401(7)”), which preempted to large extent the City’s authority over the placement and maintenance of small cell facilities in the City’s public rights-of-way.

In 2019, the Florida legislature amended Section 337.401, Florida Statutes, by providing additional restrictions on local governments’ authority with respect to the deployment and regulation of such facilities in public rights-of-way; and

In 2019, the City adopted Ordinance No. 2019-08 to implement the City’s authority under Section 337.401(7) to the fullest extent of its authority, consistent with applicable state and federal law and the City is in the process of considering an amendment to this ordinance to implement the new 2019 amendments under Section 337.401(7).

Section 337.401(7) interferes with the City’s ability to work cooperatively with wireless providers and the communications industry to deploy small cell facilities in a manner that would enable provision of advanced communication services while not negatively impacting the health, safety and welfare of the City’s residents, visitors and businesses.

Attachment(s):

- 1. Draft Resolution**