



**THE CITY OF KEY WEST
CITY ATTORNEY'S OFFICE
ORDINANCE SUMMARY**

To: Mayor Cates and City Commission

From: George B. Wallace, Assistant City Attorney

Meeting Date: March 26, 2018

Agenda Item: An ordinance implementing for the City of Key West Section 337.401 (7)(a) Florida Statutes, the "Advanced Wireless Infrastructure Deployment Act" enacted by the Florida legislature in 2017; providing for severability; providing for repeal of inconsistent provisions, providing for an effective date.

Sponsor: James Scholl, City Manager

Action Item / Background

The "Advanced Wireless Infrastructure Deployment Act" (AWIDA) was enacted by the Florida legislature in 2017 as item (7)(a) to Section 337.401 governing the use of public right-of-way by the wireless industry. The legislation is intended to make it easier for communication service providers to access public rights-of-way for the installation of wireless equipment including the collocation of wireless equipment on certain public "Utility Poles" as defined by the statute.

In large part AWIDA limits how a municipality may regulate this wireless industry and the restricts the limitation on the installation of wireless equipment to methods described in the statute.

Municipalities that do not enact by ordinance the permitting methods authorized by the Statute are limited to the review process described in the Statute.

The proposed Ordinance is submitted in order to satisfy the requirements of AWIDA.

The City Attorney's office recommends that the Commission enact the proposed Chapter 23 Titled "COMMUNICATIONS FACILITIES IN PUBLIC RIGHTS-OF-WAY"