

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

Meeting Date: April 10, 2007

Consent Regular
 Public Hearing

Department:

Submitted By: **ADMINISTRATION**

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to receive and file: Resolutions by the following municipalities expressing opposition to House Bill 529 (H529), known as the "Consumer Choice Act of 2007", urging Florida Legislature representatives to refrain from any form of support or co-sponsorship of H529 and to vote in opposition to H529, requesting Governor Crist to advise the House and Senate leadership that he does not support H529 in advance of the opening of the 2007 Regular Session:

- A) City of Boca Raton (Resolution No. 20-2007)
- B) City of Delray Beach (Resolution No. 15-07)
- C) Town of Juno Beach (Resolution No. 2007-6)
- D) Town of Lake Clarke Shores (Resolution No. 07-04)
- E) Town of Ocean Ridge (Resolution No. 2007-03)
- F) Town of Palm Beach (Resolution No. 10-07)

Summary: N/A

Background and Justification: N/A

Attachments: Original Documents

Recommended By: _____

Agenda Coordinator

Patty Andle

Date

3/14/07

Approved By: _____

Assistant County Administrator

Date

N/A

City of Boca Raton



Incorporated 1925

RESOLUTION

20-2007

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2 A RESOLUTION OF THE CITY OF BOCA RATON OPPOSING
3 FLORIDA HOUSE BILL 529, KNOWN AS THE "CONSUMER
4 CHOICE ACT OF 2007"; URGING MEMBERS OF THE FLORIDA
5 LEGISLATURE TO REFRAIN FROM ANY FORM OF SUPPORT
6 OR CO-SPONSORSHIP OF HB529 AND TO VOTE IN
7 OPPOSITION TO HB529; REQUESTING GOVERNOR CRIST TO
8 ADVISE THE HOUSE AND SENATE LEADERSHIP THAT HE
9 DOES NOT SUPPORT HB529 IN ADVANCE OF THE OPENING
10 OF THE 2007 REGULAR SESSION; AND DIRECTING THAT
11 THIS RESOLUTION BE FORWARDED TO GOVERNOR CRIST,
12 THE PALM BEACH COUNTY LEGISLATIVE DELEGATION, THE
13 PALM BEACH COUNTY LEAGUE OF CITIES, THE FLORIDA
14 LEAGUE OF CITIES, AND THE PALM BEACH COUNTY BOARD
15 OF COUNTY COMMISSIONERS; PROVIDING FOR
16 SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING AN
17 EFFECTIVE DATE
18

1 WHEREAS, on January 23, 2007, Florida House Representative Anthony Traviesa
2 introduced the Consumer Choice Act of 2007 (HB529); and

3 WHEREAS, the bill prohibits municipalities and counties from negotiating terms and
4 conditions from cable and video service providers wishing to do business within the local
5 governments' jurisdiction in the future; and

6 WHEREAS, the bill deletes authorization for municipalities and counties to award cable
7 service franchises and restrictions that require cable service companies not to operate without
8 such franchise; and

9 WHEREAS, the bill designates the Florida Department of State as the authorizing
10 authority for state-wide franchising of cable and video service providers, but prohibits the
11 Department from imposing build out, construction, and deployment requirements on cable and
12 video certificate holders; and

13 WHEREAS, the bill requires the Department of Agriculture and Consumer Services to
14 receive all customer service complaints thereby eliminating citizen ability to seek remedy of
15 complaints via their local government; and

16 WHEREAS, the bill establishes requirements and limitations on municipalities and
17 counties relating to access to public right-of-way; and

18 WHEREAS, the bill prohibits municipalities and counties from imposing any additional
19 requirements on cable and video certificate holders; and

20 WHEREAS, the bill would deprive municipalities and counties of the authority to
21 establish and maintain government owned and operated networks, known as institutional
22 networks, that may be utilized by first responders and other government officials in the day-to-
23 day management of local government business; and

24 WHEREAS, the bill would potentially reduce the amount of capacity which may be
25 required by local governments to meet their public, educational, and government ("PEG")
26 access needs, while stripping local government of the ability to obtain capital support for the use

1 of PEG capacity with the result that the communities' cable-related needs and interests may not
2 be met; and

3 WHEREAS, the bill would deprive local citizens of the ability to address local issues
4 locally, by removing to the state all customer service issues; and

5 WHEREAS, the bill would ultimately preempt all local authority over the provision of
6 cable and video services within the community, including the ability of the local government to
7 provide appropriate oversight to entities conducting business within their jurisdiction and in the
8 local public rights-of-way; and

9 WHEREAS, for these reasons, the City Council of the City of Boca Raton finds that it
10 should oppose HB529; now therefore,

11
12 BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF BOCA RATON
13

14 Section 1: That the foregoing "Whereas" clauses are hereby made a specific part of
15 this Resolution upon adoption hereof.

16 Section 2: For the reasons stated herein above, the City Council of the City of Boca
17 Raton declares its opposition to HB529 and urges Florida Governor Crist, the Palm Beach
18 County Legislative Delegation, the Palm Beach County League of Cities, the Leadership of the
19 Florida League of Cities, and the Palm Beach County Board of County Commissioners to
20 oppose HB529.

21 Section 3: The City Council urges Governor Crist to strongly consider advising the
22 leadership of the House and Senate prior to the opening of the 2007 Regular Session that he
23 does not support HB529.

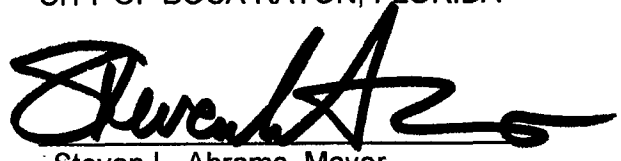
24 Section 4: The City Clerk is hereby directed to distribute this resolution to Florida
25 Governor Crist, the Palm Beach County Legislative Delegation, the Palm Beach County League

1 of Cities, the Florida League of Cities, and the Palm Beach County Board of County
2 Commissioners.

3 Section 5: This resolution shall take effective immediately upon adoption.

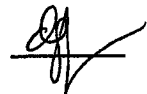
4 PASSED AND ADOPTED this 27th day of February, 2007.

6 CITY OF BOCA RATON, FLORIDA

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8 
9 Steven L. Abrams, Mayor

8 ATTEST:

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11 Sharma Carannante, City Clerk

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COUNCIL VOTE			
	YES	NO	ABSTAINED
MAYOR STEVEN L. ABRAMS	✓	✓	
DEPUTY MAYOR SUSAN WHELCHER	✓	✓	
COUNCIL MEMBER M.J. MIKE ARTS	✓	✓	
COUNCIL MEMBER PETER R. BARONOFF	✓	✓	
COUNCIL MEMBER BILL HAGER	✓	✓	

19

20

CITY OF DELRAY BEACH



CITY CLERK

100 N.W. 1st AVENUE

DEL RAY BEACH, FLORIDA 33444

561/243-7000

CERTIFICATION

I, CHEVELLE D. NUBIN, City Clerk of the City of Delray Beach, do hereby certify that the attached document is a true and correct copy of **Resolution No. 15-07**, as the same was passed and adopted by the Delray Beach City Commission in regular session on the 20th day of February, 2007.

IN WITNESS WHEREOF, I have hereunto set my hand and the official seal of the City of Delray Beach, Florida, on this the 23rd day of February, 2007.

Chevelle D. Nubin

City Clerk

City of Delray Beach, Florida

(SEAL)

RESOLUTION NO. 15-07

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, EXPRESSING OPPOSITION TO HOUSE BILL 529 KNOWN AS THE "CONSUMER CHOICE ACT OF 2007" (H529), URGING FLORIDA LEGISLATIVE REPRESENTATIVES TO REFRAIN FROM ANY FORM OF SUPPORT OR CO-SPONSORSHIP OF H529 AND TO VOTE IN OPPOSITION TO H529, REQUESTING GOVERNOR CRIST TO ADVISE THE HOUSE AND SENATE LEADERSHIP THAT HE DOES NOT SUPPORT H529 IN ADVANCE OF THE OPENING OF THE 2007 REGULAR SESSION, AND DIRECTING THAT THIS RESOLUTION BE FORWARDED TO FLORIDA GOVERNOR CRIST, THE PALM BEACH COUNTY LEGISLATIVE DELEGATION, THE MAYOR OF EACH MUNICIPALITY IN PALM BEACH COUNTY, THE LEADERSHIP OF THE PALM BEACH COUNTY LEAGUE OF CITIES, THE LEADERSHIP OF THE FLORIDA LEAGUE OF CITIES, AND EACH MEMBER OF THE PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on January 23, 2007, Florida House Representative Anthony Traviesa introduced the Consumer Choice Act of 2007 (H529); and

WHEREAS, the City Commission of the City of Delray Beach, Florida, opposes the passage of H529 because:

- The bill prohibits municipalities and counties from negotiating terms and conditions from cable and video service providers wishing to do business within the local governments' jurisdiction in the future;
- The bill deletes authorization for municipalities and counties to award cable service franchises and restrictions that require cable service companies not to operate without such franchise;
- The bill designates the Florida Department of State as the authorizing authority for state-wide franchising of cable and video service providers, but prohibits the Department from imposing build out, construction, and deployment requirements on cable and video certificate holders;
- The bill requires the Department of Agriculture and Consumer Services to receive all customer service complaints thereby eliminating citizen ability to seek remedy of complaints via their local government;
- The bill establishes requirements and limitations on municipalities and counties relating to access to public right-of-way;
- The bill prohibits municipalities and counties from imposing any additional requirements on cable and video certificate holders;
- The bill would deprive municipalities and counties of the authority to establish and maintain government owned and operated networks, known as institutional networks, that may be utilized by first responders and other government officials in the day-to-day management of local government business;

- The bill would potentially reduce the amount of capacity which may be required by local governments to meet their public, educational, and government "PEG" access needs, while stripping local government of the ability to obtain capital support for the use of PEG capacity with the result that the communities' cable related needs and interests may not be met;
- The bill would deprive local citizens of the ability to address the local issues, locally, by removing to the state all customer service issues;
- The bill would ultimately preempt all local authority over the provision of cable and video services within the community, including the ability of the local government to provide appropriate oversight to entities conducting business within their jurisdiction and in the local public rights-of-way;

WHEREAS, for these reasons, the City Commission finds that it should oppose H529 and urges the Florida Governor Crist, the Palm Beach County Legislative Delegation, the Mayor of each municipality in Palm Beach County, the leadership of the Palm Beach County League of Cities, the leadership of the Florida League of Cities, and each member of the Palm Beach County Board of County Commissioners to oppose H529; and

WHEREAS, the City Commission finds that this Resolution should be forwarded to Florida Governor Crist, the Palm Beach County Legislative Delegation, the Mayor of each municipality in Palm Beach County, the leadership of the Palm Beach County League of Cities, the leadership of the Florida League of Cities, and each member of the Palm Beach County Board of County Commissioners to oppose H529.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, THAT:

Section I. For the reasons stated above, the City Commission of the City of Delray Beach, Florida, declares its opposition to H529 and urges the Florida Governor Crist, the Palm Beach County Legislative Delegation, the Mayor of each municipality in Palm Beach County, the leadership of the Palm Beach County League of Cities, the leadership of the Florida League of Cities, and each member of the Palm Beach County Board of County Commissioners to oppose H529.

Section II. The City Commission requests Governor Crist to strongly consider advising the leadership of the House and Senate prior to the opening of the 2007 Regular Session that he does not support H529.


Section III. The City Commission hereby directs that this Resolution be forwarded immediately to urges the Florida Governor Crist, the Palm Beach County Legislative Delegation, the Mayor of each municipality in Palm Beach County, the leadership of the Palm Beach County League of Cities, the leadership of the Florida League of Cities, and each member of the Palm Beach County Board of County Commissioners.

Section IV. This Resolution shall become effective immediately upon its passage.

Passed and adopted on this the 20th day of February, 2007.


MAYOR

ATTEST:


City Clerk

RESOLUTION NO. 2007-06

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3 A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF JUNO
4 BEACH, FLORIDA, EXPRESSING ITS OPPOSITION TO HOUSE BILL
5 529 ("CONSUMER CHOICE ACT OF 2007") AND URGING THE
6 GOVERNOR, MEMBERS OF THE PALM BEACH COUNTY
7 LEGISLATIVE DELGATION, PALM BEACH COUNTY
8 MUNICIPALITIES, THE FLORIDA LEAGUE OF CITIES, THE PALM
9 BEACH COUNTY LEAGUE OF CITIES AND THE PALM BEACH
10 COUNTY BOARD OF COUNTY COMMISSIONERS TO OPPOSE ITS
11 ENACTMENT; AND PROVIDING FOR AN EFFECTIVE DATE.
12

13 WHEREAS, on January 23, 2007, Florida House Representative Anthony
14 Traviesa introduced House Bill 529, known as the Consumer Choice Act of 2007 ("HB
15 529"); and
16

17 WHEREAS, HB 529 would, among other things: (a) prohibit municipalities and
18 counties from negotiating terms and conditions with cable and video service providers
19 wishing to do business within their jurisdictions; (b) negate the authority of
20 municipalities and counties to award cable service franchises and to restrict such
21 operation without an agreement in place; (c) eliminate the ability of citizens to file
22 complaints with their local governments; (d) establish requirements and limitations
23 relating to access to public rights-of-way; and (e) reduce the amount of capacity that
24 may be required by local governments to meet their public, education and government
25 access needs; and
26

27 WHEREAS, the Town determines that adoption of this resolution opposing HB
28 529 is in the best interests of the citizens and residents of the Town of Juno Beach.
29

30 NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE
31 TOWN OF JUNO BEACH, FLORIDA, as follows:
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33 Section 1. The foregoing recitals are ratified as true and incorporated herein.
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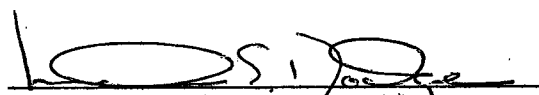
35 Section 2. For the reasons set forth above, the Town Council declares its
36 opposition to HB 529 and urges Governor Charlie Crist, the Palm Beach County
37 Legislative Delegation; the Mayor of each Palm Beach County municipality, the Florida
38 League of Cities, the Palm Beach County League of Cities, and the Palm Beach County
39 Board of County Commissioners to oppose HB 529.
40

41 Section 3. The Town Council directs that a copy of this Resolution be
42 forwarded to Governor Charlie Crist, the Palm Beach County Legislative Delegation, the
43 Mayor of each Palm Beach County municipality, the Florida League of Cities, the Palm
44 Beach County League of Cities and the Palm Beach County Board of County
45 Commissioners.

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Section 4. This Resolution shall take effect immediately upon adoption.

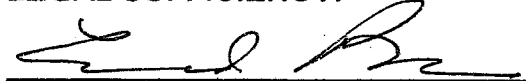
RESOLVED AND ADOPTED this 18th day of February,
2007.


Linda S. Hodgkins, Mayor

ATTEST:


Allison J. Fay, Town Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:


Leonard G. Rubin, Town Attorney

RESOLUTION NO. 07-04

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LAKE CLARKE SHORES, FLORIDA, EXPRESSING OPPOSITION TO HOUSE BILL 529 KNOWN AS THE "CONSUMER CHOICE ACT OF 2007" (H529), URGING FLORIDA LEGISLATIVE REPRESENTATIVES TO REFRAIN FROM ANY FORM OF SUPPORT OR CO-SPONSORSHIP OF H529 AND TO VOTE IN OPPOSITION TO H529, REQUESTING GOVERNOR CRIST TO ADVISE THE HOUSE AND SENATE LEADERSHIP THAT HE DOES NOT SUPPORT H529 IN ADVANCE OF THE OPENING OF THE 2007 REGULAR SESSION, AND DIRECTING THAT THIS RESOLUTION BE FORWARDED TO FLORIDA GOVERNOR CRIST, THE PALM BEACH COUNTY LEGISLATIVE DELEGATION, THE LEADERSHIP OF THE PALM BEACH COUNTY LEAGUE OF CITIES, THE LEADERSHIP OF THE FLORIDA LEAGUE OF CITIES, AND EACH MEMBER OF THE PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on January 23, 2007, Florida House Representative Anthony Traviesa introduced the Consumer Choice Act of 2007 (H529); and

WHEREAS, the bill prohibits municipalities and counties from negotiating terms and conditions from cable and video service providers wishing to do business within the local governments' jurisdiction in the future; and

WHEREAS, the bill deletes authorization for municipalities and counties to award cable service franchises and restrictions that require cable service companies not to operate without such franchise; and

WHEREAS, the bill designates the Florida Department of State as the authorizing authority for state-wide franchising of cable and video service providers, but prohibits the Department from imposing build out, construction, and deployment requirements on cable and video certificate holders; and

WHEREAS, the bill requires the Department of Agriculture and Consumer Services to receive all customer service complaints thereby eliminating citizen ability to seek remedy of complaints via their local government; and

WHEREAS, the bill establishes requirements and limitations on municipalities and counties relating to access to public right-of-way; and

WHEREAS, the bill prohibits municipalities and counties from imposing any additional requirements on cable and video certificate holders; and

WHEREAS, the bill would deprive municipalities and counties of the authority to establish and maintain government owned and operated networks, known as institutional networks, that may be utilized by first responders and other government officials in the day-to-day management of local government business; and

WHEREAS, the bill would potentially reduce the amount of capacity which may be required by local governments to meet their public, educational, and government "PEG" access needs, while stripping local government of the ability to obtain capital support for the use of PEG capacity with the result that the communities' cable-related needs and interests may not be met; and

WHEREAS, the bill would deprive local citizens of the ability to address local issues locally, by removing to the state all customer service issues; and

WHEREAS, the bill would ultimately preempt all local authority over the provision of cable and video services within the community, including the ability of the local government to provide appropriate oversight to entities conducting business within their jurisdiction and in the local public rights-of-way; and

WHEREAS, for these reasons, the Town Council finds that it should oppose H529 and urges Florida Governor Crist, the Palm Beach County Legislative Delegation, the Leadership of the Florida League of Cities, and each member of the Palm Beach County Board of County Commissioners to oppose H529; and

WHEREAS, the Town Council finds that this resolution should be forwarded to Florida Governor Crist, the Palm Beach County Legislative Delegation, the Leadership of the Palm Beach County League of Cities, the Leadership of the Florida League of Cities, and each member of the Palm Beach County Board of County Commissioners.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Lake Clarke Shores, Palm Beach County, Florida, as follows:

Section 1: The forgoing recitals are hereby ratified and confirmed.

Section 2: For the reasons stated herein above, the Town Council of the Town of Lake Clarke Shores, Palm Beach County, Florida, declares its opposition to H529 and urges Florida Governor Crist, the Palm Beach County Legislative Delegation, the Leadership of the Palm Beach County League of Cities, the Leadership of the Florida League of Cities, and each member of the Palm Beach County Board of County Commissioners to oppose H529.

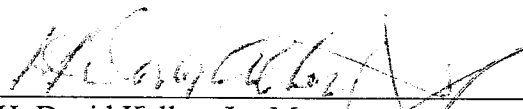
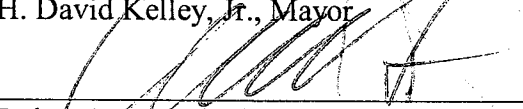
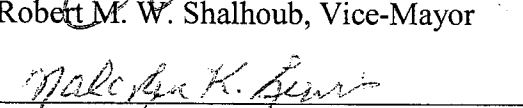
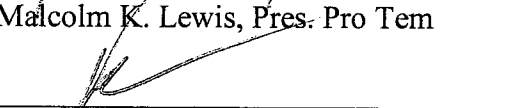
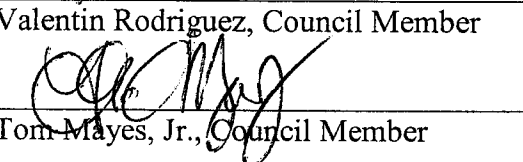
Section 3: The Town Council requests Governor Crist to strongly consider advising the leadership of the House and Senate prior to the opening of the 2007 Regular Session that he does not support H529.

Section 4: The Town Council hereby directs that this resolution be forwarded immediately to Florida Governor Crist, the Palm Beach County Legislative Delegation, the Leadership of the Palm Beach County League of Cities, the Leadership of the Florida League of Cities, and each member of the Palm Beach County Board of County Commissioners.

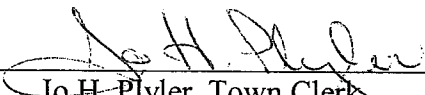
Section 5: This resolution shall become effective immediately upon its passage.

PASSED AND ADOPTED by the Town Council of the Town of Lake Clarke Shores, Florida this 27th day of February, 2007.

TOWN OF LAKE CLARKE SHORES, FLORIDA

	FOR	AGAINST
BY:  _____ H. David Kelley, Jr., Mayor	<u>X</u>	_____
 _____ Robert M. W. Shalhoub, Vice-Mayor	<u>X</u>	_____
 _____ Malcolm K. Lewis, Pres. Pro Tem	<u>X</u>	_____
 _____ Valentin Rodriguez, Council Member	<u>X</u>	_____
 _____ Tom Mayes, Jr., Council Member	<u>X</u>	_____

ATTEST:

BY: 

Jo H. Plyler, Town Clerk

Sponsored by: *The Town Council*

RECEIVED MAR 13 2007

MAR 12 2007

RESOLUTION NO. 2007-03

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF OCEAN RIDGE, PALM BEACH COUNTY, FLORIDA, EXPRESSING OPPOSITION TO HOUSE BILL 529 KNOWN AS THE "CONSUMER CHOICE ACT OF 2007" (H529), URGING FLORIDA LEGISLATIVE REPRESENTATIVES TO REFRAIN FROM ANY FORM OF SUPPORT OR CO-SPONSORSHIP OF H529 AND TO VOTE IN OPPOSITION TO H529, REQUESTING GOVERNOR CRIST TO ADVISE THE HOUSE AND SENATE LEADERSHIP THAT HE DOES NOT SUPPORT H529 IN ADVANCE OF THE OPENING OF THE 2007 REGULAR SESSION, AND DIRECTING THAT THIS RESOLUTION BE FORWARDED TO FLORIDA GOVERNOR CRIST, THE PALM BEACH COUNTY LEGISLATIVE DELEGATION, THE LEADERSHIP OF THE PALM BEACH COUNTY LEAGUE OF CITIES, THE LEADERSHIP OF THE FLORIDA LEAGUE OF CITIES, AND EACH MEMBER OF THE PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on January 23, 2007, Florida House Representative Anthony Traviesa introduced the Consumer Choice Act of 2007 (H529); and

WHEREAS, the bill prohibits municipalities and counties from negotiating terms and conditions from cable and video service providers wishing to do business within the local governments' jurisdiction in the future; and

WHEREAS, the bill deletes authorization for municipalities and counties to award cable service franchises and restrictions that require cable service companies not to operate without such franchise; and

WHEREAS, the bill designates the Florida Department of State as the authorizing authority for state-wide franchising of cable and video service providers, but prohibits the Department from imposing build out, construction, and deployment requirements on cable and video certificate holders; and

WHEREAS, the bill requires the Department of Agriculture and Consumer Services to receive all customer service complaints thereby eliminating citizen ability to seek remedy of complaints via their local government; and

WHEREAS, the bill establishes requirements and limitations on municipalities and counties relating to access to public right-of-way; and

WHEREAS, the bill prohibits municipalities and counties from imposing any additional requirements on cable and video certificate holders; and

WHEREAS, the bill would deprive municipalities and counties of the authority to establish and maintain government owned and operated networks, known as institutional networks, that may be utilized by first responders and other government officials in the day-to-day management of local government business; and

WHEREAS, the bill would potentially reduce the amount of capacity which may be required by local governments to meet their public, educational, and government "PEG" access needs, while stripping local government of the ability to obtain capital support for the use of PEG capacity with the result that the communities' cable-related needs and interests may not be met; and

WHEREAS, the bill would deprive local citizens of the ability to address local issues locally, by removing to the state all customer service issues; and

WHEREAS, the bill would ultimately preempt all local authority over the provision of cable and video services within the community, including the ability of the local government to provide appropriate oversight to entities conducting business within their jurisdiction and in the local public rights-of-way; and

WHEREAS, for these reasons, the Town Commission finds that it should oppose H529 and urges Florida Governor Crist, the Palm Beach County Legislative Delegation, the leadership of the Palm Beach County League of Cities, the Leadership of the Florida League of Cities, and each member of the Palm Beach County Board of County Commissioners to oppose H529; and

WHEREAS, the Town Commission finds that this resolution should be forwarded to Florida Governor Crist, the Palm Beach County Legislative Delegation, the leadership of the Palm Beach County League of Cities, the Leadership of the Florida League of Cities, and each member of the Palm Beach County Board of County Commissioners.

NOW, THEREFORE, BE IT RESOLVED by the Town Commission of the Town of Ocean Ridge, Palm Beach County, Florida, as follows:

Section 1: The foregoing recitals are hereby ratified and confirmed.

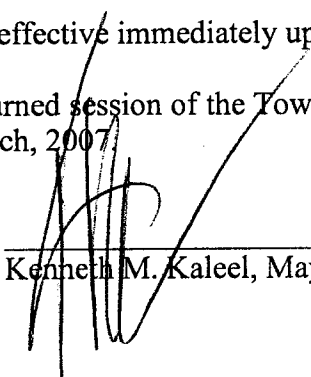
Section 2: For the reasons stated herein above, the Town Commission of the Town of Ocean Ridge, Palm Beach County, Florida, declares its opposition to H529 and urges Florida Governor Crist, the Palm Beach County Legislative Delegation, the leadership of the Palm Beach County League of Cities, the Leadership of the Florida League of Cities, and each member of the Palm Beach County Board of County Commissioners to oppose H529.

Section 3: The Town Commission requests Governor Crist to strongly consider advising the leadership of the House and Senate prior to the opening of the 2007 Regular Session that he does not support H529.

Section 4: The Town Commission hereby directs that this resolution be forwarded immediately to Florida Governor Crist, the Palm Beach County Legislative Delegation, the leadership of the Palm Beach County League of Cities, the Leadership of the Florida League of Cities, and each member of the Palm Beach County Board of County Commissioners.


Section 5: This resolution shall become effective immediately upon its passage.

PASSED AND ADOPTED in regular, adjourned session of the Town Commission of the Town of Ocean Ridge assembled this 5th day of March, 2007

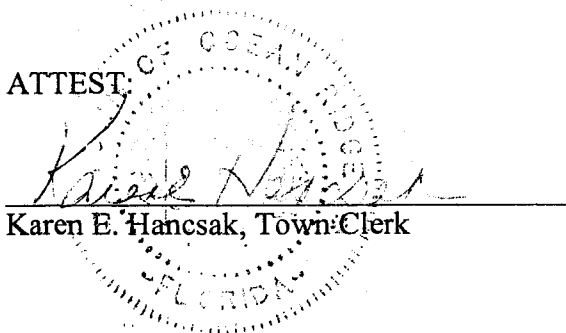


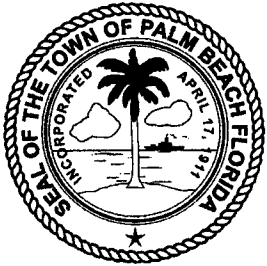
Kenneth M. Kaleel, Mayor

ATTEST:



Karen E. Hancsak, Town Clerk





TOWN OF PALM BEACH

Office of Mayor and Town Council

MAYOR JACK McDONALD

COUNCIL

DENIS P. COLEMAN, PRESIDENT
RICHARD M. KLEID, PRESIDENT PRO TEM
WILLIAM J. BROOKS
SUSAN MARKIN
ALLEN S. WYETT

February 21, 2007

The Honorable Addie Greene
Palm Beach Board of County Commissioners
301 N. Olive Avenue
West Palm Beach, FL 33401

Re: Town of Palm Beach Resolution Opposing H529

Dear Commissioner Greene:

Enclosed herewith, please find Palm Beach Resolution No. 10-07 opposing H529. Please do all things necessary to thwart the adoption of this proposed legislation. This bill is not favorable to the interests of the citizens of Palm Beach County.

H529 will:

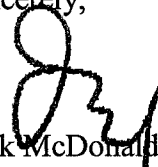
- Prohibit local government from negotiating terms and conditions from cable and video service providers wishing to do business in their jurisdiction.
- Eliminate the ability of local governments to award cable service franchises and eliminates all local government requirements for the provision of a franchise prior to service provision.
- Require all customer service complaints to be directed to the Florida Department of Agriculture and Consumer Services eliminating citizen ability to seek remedy of complaints through their local government.
- Place restrictions on local government and their ability to control the activities of cable television and video service providers within right-of-way and on private property within their communities.

Every local government in Florida desires competition in cable TV and video programming services. Nothing precludes any service provider from securing a franchise and providing the services throughout all Florida communities. Existing franchises must be non-exclusive and state law requires that local government treat service providers in a competitively neutral manner. Competition already exists in the form of digital satellite television services, which are available statewide, and more is welcome to maximize services and put downward pressure on upward trends in pricing, but not at the expense of removing local oversight of right-of-way and service standards required by franchise agreements.

Please use the power of your office to thwart the adoption of H529 and, specifically, let the Palm Beach County Legislative Delegation know in advance of the opening of the 2007 regular legislative session that you are opposed to the adoption of H529 and any companion bill that may emanate from the Senate.

Your time and efforts in regard to this important matter are greatly appreciated.

Sincerely,



Jack McDonald, Mayor
Town of Palm Beach

Enclosure

JM:TGB/ab

cc: Town Council
Peter B. Elwell, Town Manager
Thomas G. Bradford, Deputy Town Manager

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RESOLUTION NO. 10-07

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, EXPRESSING OPPOSITION TO HOUSE BILL 529 KNOWN AS THE "CONSUMER CHOICE ACT OF 2007" (H529), URGING FLORIDA LEGISLATIVE REPRESENTATIVES TO REFRAIN FROM ANY FORM OF SUPPORT OR CO-SPONSORSHIP OF H529 AND TO VOTE IN OPPOSITION TO H529, REQUESTING GOVERNOR CRIST TO ADVISE THE HOUSE AND SENATE LEADERSHIP THAT HE DOES NOT SUPPORT H529 IN ADVANCE OF THE OPENING OF THE 2007 REGULAR SESSION, AND DIRECTING THAT THIS RESOLUTION BE FORWARDED TO FLORIDA GOVERNOR CRIST, THE PALM BEACH COUNTY LEGISLATIVE DELEGATION, THE MAYOR OF EACH MUNICIPALITY IN PALM BEACH COUNTY, THE LEADERSHIP OF THE PALM BEACH COUNTY LEAGUE OF CITIES, THE LEADERSHIP OF THE FLORIDA LEAGUE OF CITIES, AND EACH MEMBER OF THE PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on January 23, 2007, Florida House Representative Anthony Traviesa introduced the Consumer Choice Act of 2007 (H529); and

WHEREAS, the bill prohibits municipalities and counties from negotiating terms and conditions from cable and video service providers wishing to do business within the local governments' jurisdiction in the future; and

WHEREAS, the bill deletes authorization for municipalities and counties to award cable service franchises and restrictions that require cable service companies not to operate without such franchise; and

WHEREAS, the bill designates the Florida Department of State as the authorizing authority for state-wide franchising of cable and video service providers, but prohibits the Department from imposing build out, construction, and deployment requirements on cable and video certificate holders; and

WHEREAS, the bill requires the Department of Agriculture and Consumer Services to receive all customer service complaints thereby eliminating citizen ability to seek remedy of complaints via their local government; and

WHEREAS, the bill establishes requirements and limitations on municipalities and counties relating to access to public right-of-way; and

WHEREAS, the bill prohibits municipalities and counties from imposing any additional requirements on cable and video certificate holders; and

WHEREAS, the bill would deprive municipalities and counties of the authority to establish and maintain government owned and operated networks, known as institutional networks, that may be utilized by first responders and other government officials in the day-to-day management of local government business; and

WHEREAS, the bill would potentially reduce the amount of capacity which may be required by local governments to meet their public, educational, and government "PEG" access needs, while stripping local government of the ability to obtain capital support for the use of PEG capacity with the result that the communities' cable-related needs and interests may not be met; and

WHEREAS, the bill would deprive local citizens of the ability to address local issues locally, by removing to the state all customer service issues; and

WHEREAS, the bill would ultimately preempt all local authority over the provision of cable and video services within the community, including the ability of the local government to provide appropriate oversight to entities conducting business within their jurisdiction and in the local public rights-of-way; and

WHEREAS, for these reasons, the Town Council finds that it should oppose H529 and urges Florida Governor Crist, the Palm Beach County Legislative Delegation, the mayor of each municipality in Palm Beach County, the leadership of the Palm Beach County League of Cities, the Leadership of the Florida League of Cities, and each member of the Palm Beach County Board of County Commissioners to oppose H529; and

WHEREAS, the Town Council finds that this resolution should be forwarded to Florida Governor Crist, the Palm Beach County Legislative Delegation, the mayor of each municipality in Palm Beach County, the leadership of the Palm Beach County League of Cities, the Leadership of the Florida League of Cities, and each member of the Palm Beach County Board of County Commissioners.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Palm Beach, Palm Beach County, Florida, as follows:

Section 1: The foregoing recitals are hereby ratified and confirmed.

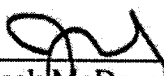
Section 2: For the reasons stated herein above, the Town Council of the Town of Palm Beach, Palm Beach County, Florida, declares its opposition to H529 and urges Florida Governor Crist, the Palm Beach County Legislative Delegation, the mayor of each municipality in Palm Beach County, the leadership of the Palm Beach County League of Cities, the Leadership of the Florida League of Cities, and each member of the Palm Beach County Board of County Commissioners to oppose H529.

Section 3: The Town Council requests Governor Crist to strongly consider advising the leadership of the House and Senate prior to the opening of the 2007 Regular Session that he does not support H529.

Section 4: The Town Council hereby directs that this resolution be forwarded immediately to Florida Governor Crist, the Palm Beach County Legislative Delegation, the mayor of each municipality in Palm Beach County, the leadership of the Palm Beach County League of Cities, the Leadership of the Florida League of Cities, and each member of the Palm Beach County Board of County Commissioners.

Section 5: This resolution shall become effective immediately upon its passage.

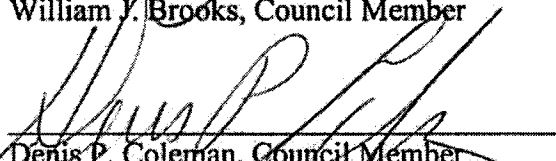
PASSED AND ADOPTED in regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 13th day of February, 2007.



Jack McDonald, Mayor



William J. Brooks, Council Member



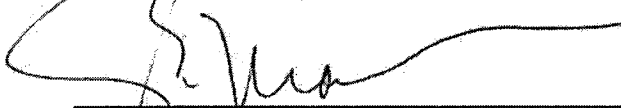
Denis P. Coleman, Council Member




Gail Coniglio, Council Member



Richard M. Kleid, Council Member



Susan Markin, Council Member

ATTEST


Susan A. Eichhorn, Town Clerk