

ORDINANCE NO. _____

PROPOSED ORDINANCE NO. 24-021

AN ORDINANCE OF THE CITY OF LAKELAND, FLORIDA RELATED TO POLE ATTACHMENTS; AMENDING ORDINANCE 4899, AS AMENDED, TO EXTEND THE EXPIRATION DATE OF PROMOTIONAL RATES FOR WIRELINE ATTACHMENTS OF BROADBAND FACILITIES ON CITY POLES CONSISTENT WITH REQUIREMENTS SET FORTH IN STATE LAW; MAKING FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Lakeland owns certain Poles and other facilities within its rights-of-ways throughout the City's electric service territory to which third parties may wish to attach electrical or other devices used to provide broadband internet service; and

WHEREAS, the City Commission of the City of Lakeland recognizes the importance of and encourages technological advancement and adequate infrastructure in the field of telecommunications technology in order to provide its citizens with access to high speed internet and other telecommunications capabilities; and

WHEREAS, the City Commission recognizes that the need for advancement and facilitation of telecommunications technology infrastructure should be consistent with approvals, projects and local government investments related to the City's rights-of-ways and utility poles, and be in the best interest of the City's constituents; and

WHEREAS, the Florida Legislature adopted legislation for broadband facilities, effective July 1, 2021, which establishes a promotional rate and related

terms for wireline attachments of broadband facilities to municipal electric utility poles to expand the deployment of broadband internet infrastructure to unserved and underserved areas; and

WHEREAS, the promotional rate of \$1.00 per wireline attachment per pole per year for any new attachment necessary to make broadband service available to unserved or underserved users within a municipal electric utility service territory, as set forth in Florida Statute §288.9963, was set to expire on July 1, 2024; and

WHEREAS, the Florida Legislature, pursuant to Chapter No. 2024-98, Laws of Florida, extended the expiration date for the promotional rate of such wireline attachments to December 31, 2028; and

WHEREAS, the City Commission finds that it is in furtherance of the public health, safety and welfare of the citizens of the City of Lakeland, Florida and its municipal electric utility customers to amend the City's Pole Attachment Ordinance 4899, as amended, to extend the promotional pole attachment rates for broadband facilities consistent with the provisions set forth in Florida Statute §288.9963 and Chapter No. 2024-98, Laws of Florida.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA:

SECTION 1. The above recitals are true and correct and by this reference are incorporated herein and made an integral part hereof.

SECTION 2. Notwithstanding any ordinance, resolution or code provision to the contrary, the Pole Attachment Fee for any new attachment necessary to make broadband service available to an unserved or underserved end user within the City's

municipal electric service territory shall be at a promotional rate of \$1.00 per wireline attachment per pole per year. This promotional rate shall only apply to such new attachments effective July 1, 2021, until December 31, 2028. Subsequent to ~~July 1, 2024~~ December 31, 2028, any Pole Attachments installed between July 1, 2021, and ~~July 1, 2024~~ December 31, 2028, at the above promotional rate shall be subject to the same annual License Fee that is imposed upon all other Pole Attachments, which is currently an annual License Fee of \$20.70 per Pole. For purposes of this Section, the terms “broadband provider,” “broadband service,” “unserved” and “underserved,” in addition to any other terms or requirements applicable to such promotional rate attachments, shall be as specifically prescribed by Florida Statute §288.9963, as may be amended.

SECTION 3. Should any section, paragraph, sentence, clause or phrase of this Ordinance conflict with any section, paragraph, sentence, clause or phrase of any prior City of Lakeland ordinance, resolution, or code provision, then in that event the provisions of this Ordinance shall prevail to the extent of such conflict.

SECTION 4. If any one or more of the covenants, agreements or provisions of this Ordinance should be held contrary to law, or shall for any reason whatsoever be held invalid, then any such covenants, agreements or provisions shall be null and void and shall be deemed separate and severed from the remaining covenants, agreements or provisions of this Ordinance, which shall otherwise continue in full force and effect.

SECTION 5. This Ordinance shall take effect on June 30, 2024, in the manner prescribed by law.

PASSED AND CERTIFIED AS TO PASSAGE this 1st day of July, A.D.

2024.

H. WILLIAM MUTZ, MAYOR

ATTEST: _____
KELLY S. KOOS, CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS: _____
PALMER C. DAVIS
CITY ATTORNEY