

Summary of Ordinance

This Ordinance repeals Chapter 6.5, Lake County Code, entitled *Cable Communications*, and amends Section 18-3, Lake County Code, entitled *Right-of-Way Utilization Permits*. Chapter 6.5 regarding Cable Communications was enacted through Ordinance 1994-14 for the purposes of regulating cable communications franchises within Lake County. The regulation is obsolete. Cable communications are regulated by Chapter 610, Florida Statutes, entitled *Cable and Video Services*, and registration and franchising of cable communications entities is preempted to the State of Florida. The statute reserves to local government the ability to issue permits for cable communications facilities to be installed or located within the right-of-way, and therefore amendments to Section 18-3, Lake County Code, entitled *Right-of-Way Utilization Permits*, are incorporated to reorganize the remaining regulations for greater efficiency in connection with the repeal.

ORDINANCE NO. 2026-__

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; REPEALING CHAPTER 6.5, LAKE COUNTY CODE, ENTITLED *CABLE COMMUNICATIONS*; AMENDING CHAPTER 18, SECTION 18-3, LAKE COUNTY CODE, ENTITLED *RIGHT-OF-WAY UTILIZATION PERMIT*; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 6.5, Lake County Code, was enacted on October 4, 1994, through Ordinance 1994-14 for the purposes of regulating the cable communications franchises within Lake County; and

WHEREAS, the State of Florida continues to regulate this activity pursuant to Chapter 610, Florida Statutes, entitled *Cable and Video Services*; and

WHEREAS, legislative changes to Chapter 610, Florida Statutes, since the enactment of Chapter 6.5, Lake County Code, have preempted the area of cable communications franchising to the State, rendering large portions of this code obsolete; and

WHEREAS, Section 610.114, Florida Statutes, entitled *Limitation on local authority*, provides that although cable franchise regulation is preempted to the State, municipalities and counties may continue to require permits from cable communications entities for cable facilities installed within public rights-of-way; therefore, Section 18.3, Lake County Code, entitled *Right-of-Way Utilization Permits* shall be amended to incorporate the provisions of Chapter 6.5 which were applicable to use of public rights-of-way; and

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1 under the public right-of-way or public easement. The permittee or the permittee's
2 successors or assigns shall indemnify and defend the County for any personal injuries
3 or property damage resulting from the failure to duly maintain the improvement or
4 structure, and shall indemnify and defend the County for any personal injuries or
5 property damages resulting from the construction or maintenance activities permitted
6 hereunder. Further, the permittee, or the permittee's successors or assigns shall be
7 responsible for any personal injuries or property damages the construction,
8 maintenance, improvements or structures cause to third parties.

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- 10 (3) Any failures Shall be repaired by the permittee, or permittee's successors or assigns,
11 at the direction of the County, within five (5) days, unless the urgency of the problem
12 requires a quicker reaction time.
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- 14 (4) The permittee, or permittee's successors or assigns, Shall be responsible for all repair
15 costs incurred due to damages to existing utilities by failure to use due care, including
16 errors in locating existing utilities during construction.
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- 18 (5) The permittee or permittee's successors or assigns assumes full and total responsibility
19 for compliance with these regulations, supporting standards, additional requirements
20 of the Board of County Commissioners, any municipal, County, state or federal laws,
21 ordinances, or other directives which may apply to the proposed construction or
22 maintenance work, improvement or structure.

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24 (i) *Removal/Relocation of Improvements/Structures.* Upon ten (10) days written notice from
25 the County, the permittee, or permittee's successors or assigns, Shall be required to remove, at
26 permittee's sole expense, and/or relocate the improvements or structures placed within the right-
27 of-way. Each permittee shall, upon request by any person or legal entity holding a building moving
28 permit, or other approval issued by the county or the State of Florida, temporarily remove, raise or
29 lower its wires to permit the movement of buildings. The expense of such removal, raising or
30 lowering shall be paid by the person or legal entity requesting the same, and a permittee shall be
31 authorized to require such payment in advance. A permittee shall be given not less than forty-eight
32 (48) hours prior written notice to arrange for such temporary wire changes.

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34 *{All subsequent sections shall remain unchanged.}*

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38 **Section 4. Severability.** If any section, sentence, clause, or phrase or word of this
39 Ordinance is for any reason held or declared to be invalid, unconstitutional, inoperative or void by
40 any court of competent jurisdiction, then said holding shall in no way affect the validity of the
41 remaining portion of this Ordinance; and it shall be construed to have been the Commissioners'
42 intent to pass this Ordinance without such unconstitutional, invalid or inoperative part therein; and
43 the remainder of this Ordinance, after the exclusion of such part or parts shall be deemed and held
44 to be valid, as if such parts had not been included herein; or if this Ordinance or any provisions
45 thereof shall be held inapplicable to any person, groups of persons, property, kind of property,

1 circumstances or set of circumstances, such holding shall not affect the applicability thereof to any
2 other person, property or circumstances.

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4 **Section 5. Inclusion in the Code.** It is the intent of the Board of County
5 Commissioners that the provisions of this Ordinance shall become and be made a part of the Lake
6 County Code and that the sections of this Ordinance may be renumbered or relettered and the word
7 "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in
8 order to accomplish such intentions.

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10 **Section 6. Filing with the Department of State.** The Clerk shall be and is hereby
11 directed forthwith to send an electronic copy of this Ordinance to the Secretary of State for the
12 State of Florida in accordance with Section 125.66, Florida Statutes.

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14 **Section 7. Effective Date.** This Ordinance shall become effective as provide for by
15 law.

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17 Enacted this _____ day of _____, 2026.

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19 Filed with the Secretary of State _____, 2026.

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24 ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF LAKE COUNTY, FLORIDA

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27 _____
28 Gary J. Cooney, Clerk
29 Board of County Commissioners
30 of Lake County, Florida

Leslie Campione, Chairman

31 This ____ day of _____, 2026.

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34 Approved as to form and legality:

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37 _____
38 Melanie Marsh, County Attorney