



Legislation Text

File #: 22-5515, Version: 1

ITEM: AUTHORIZATION TO WAIVE CERTAIN REQUIREMENTS IN FLORIDA STATUTE 255.065 AND PUBLISH NOTICE OF UNSOLICITED PROPOSAL

REQUEST: Authorization to waive certain requirements in Florida Statute 255.065 and publish notice of unsolicited proposal in the Florida Administrative Register and the Palm Beach Post.

EXPLANATION: On September 26, 2022, Wellington received an unsolicited proposal from Arcadia Towers Group, LLC ("Arcadia"). Arcadia proposes that the Village of Wellington and Arcadia enter into an exclusive Master Marketing Agreement for the marketing and leasing of Wellington-owned properties to wireless service providers for the purpose of developing, constructing, and operating wireless communications facilities on such properties in a Public-Private Partnership with Wellington.

Florida Statute 255.065 states an unsolicited proposal from a private entity for approval of a qualifying project must be accompanied by the following material and information, unless waived by the responsible public entity:

- (a) A description of the qualifying project, including the conceptual design of the facilities or a conceptual plan for the provision of services, and a schedule for the initiation and completion of the qualifying project.
- (b) A description of the method by which the private entity proposes to secure the necessary property interests that are required for the qualifying project.
- (c) A description of the private entity's general plans for financing the qualifying project, including the sources of the private entity's funds and the identity of any dedicated revenue source or proposed debt or equity investment on behalf of the private entity.
- (d) The name and address of a person who may be contacted for additional information concerning the proposal.
- (e) The proposed user fees, lease payments, or other service payments over the term of a comprehensive agreement, and the methodology for and circumstances that would allow changes to the user fees, lease payments, and other service payments over time.
- (f) Additional material or information that the responsible public entity reasonably requests.

Any pricing or financial terms included in an unsolicited proposal must be specific as to when the pricing or terms expire.

Due to the unique nature of the proposal, authorization is requested to waive the following requirements to move forward with the next step in Florida Statute 255.065 of publishing notice in the Florida Administrative Register and a newspaper of general circulation.

- Requirement (a) - waive
 - Conceptual design of the facilities or a conceptual plan for the provision of services
 - A schedule for the initiation and completion of the qualifying project.
- Requirement (b) - complies
- Requirement (c) - waive
 - Sources of the private entity's funds
- Requirement (d) - complies
- Requirement (e) - waive

- The methodology for and circumstances that would allow changes to the user fees, lease payments, and other service payments over time.
- Additional Requirement - waive
 - Any pricing or financial terms included in an unsolicited proposal must be specific as to when the pricing or terms expire.

Waiving the items listed above and publishing a 30-day notice in the Florida Administrative Register and the Palm Beach Post of Wellington's intent to enter into a comprehensive agreement with Arcadia Towers Group, LLC, is required to move forward with the next step in Florida Statute 255.065.

BUDGET AMENDMENT REQUIRED: NO

PUBLIC HEARING: NO **QUASI-JUDICIAL:**

FIRST READING: **SECOND READING:**

LEGAL SUFFICIENCY: YES

FISCAL IMPACT: The notices will be funded out of Purchasing's Operating Budget.

WELLINGTON FUNDAMENTAL: Responsive Government

RECOMMENDATION: Authorization to waive certain items in Florida Statute 255.065 and publish notice of unsolicited proposal in the Florida Administrative Register and the Palm Beach Post.