



MEMORANDUM

Agenda Item No. 11(A)(8)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: December 16, 2008

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution urging the Florida
Legislature and the Florida
Department of Transportation
to fund roadside beautification
programs at no less than 1.5 percent
of the cost of construction projects

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Dennis C. Moss, and Co-Sponsor Senator Javier D. Souto.

R. A. Cuevas, Jr.
County Attorney

RAC/cp



MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

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SUBJECT: Agenda Item No. 11(A)(8)

Please note any items checked.

- _____ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- _____ 6 weeks required between first reading and public hearing
- _____ 4 weeks notification to municipal officials required prior to public hearing
- _____ Decreases revenues or increases expenditures without balancing budget
- _____ Budget required
- _____ Statement of fiscal impact required
- _____ Bid waiver requiring County Manager's written recommendation
- _____ Ordinance creating a new board requires detailed County Manager's report for public hearing
- _____ Housekeeping item (no policy decision required)
- _____ No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(8)
12-16-08

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE AND THE FLORIDA DEPARTMENT OF TRANSPORTATION TO FUND ROADSIDE BEAUTIFICATION PROGRAMS AT NO LESS THAN 1.5 PERCENT OF THE COST OF CONSTRUCTION PROJECTS; AND TO RETAIN EXISTING LANGUAGE IN STATUTE THAT REQUIRES FDOT TO SPEND NO LESS THAN 1.5 PERCENT OF CONSTRUCTION COSTS ON ROADSIDE BEAUTIFICATION PROGRAMS

WHEREAS, national studies indicate that green, permeable areas and a healthy urban forest provide economic benefits that exceed the cost of installation and care, including an average seven percent (7%) to 20 percent increase in property values, higher consumer preference, perception and economic willingness-to-pay in tree-lined commercial areas, reduction of energy costs, the uptake of atmospheric CO₂ and excess stormwater that offsets the need for infrastructure investments; and

WHEREAS, Executive Order 07-128, signed by Governor Charlie Crist on July 13, 2007, states that global climate change is one of the most important issues facing the State of Florida this century, and directs the Florida Governor's Action Team on Energy and Climate Change to identify land use and management policies that improve the long-term storage of carbon in Florida's biomass; and

WHEREAS, landscaping along public rights-of-way create urban form and identity and improve aesthetics that furthers the goals and objectives for the "Great Streets" component of the Miami-Dade County Open Space Plan; and

WHEREAS, section 334.044, Florida Statutes, currently requires the Florida Department of Transportation (FDOT) to allocate no less than 1.5 percent of the amount contracted for

construction projects to beautification programs to “provide for the conservation of natural roadside growth and scenery and for the implementation and maintenance of roadside beautification programs”; and

WHEREAS, during the 2008 regular session, the Florida Legislature passed H.B. 5067, which among other provisions, would have eliminated the requirement that FDOT allocate at least 1.5 percent of the amount contracted for FDOT construction projects to roadside beautification programs; and

WHEREAS, H.B. 5067 instead provided a cap of 1.5 percent on FDOT beautification programs, providing that FDOT may spend “up to” 1.5 percent on beautification programs, but not requiring FDOT to spend any funds at all on beautification programs; and

WHEREAS, when H.B. 5067 reached the Governor’s desk, he vetoed the bill because of other provisions included in the bill; and

WHEREAS, notwithstanding the veto of H.B. 5067, funding for roadside beautification programs was removed from the FDOT Five Year Work Program for the current State Fiscal Year 2008-09; and

WHEREAS, it is anticipated that legislation will again be filed for consideration during the 2009 session to eliminate the 1.5 percent set-aside for roadside beautification programs; and

WHEREAS, maintaining a high aesthetic value in the public domain is in the best interest of the community at large; and

WHEREAS, the Community Image Advisory Board passed a resolution on November 19, 2008 urging the Miami-Dade Board of County Commissioners, the Miami-Dade Expressway Authority, and the municipalities in Miami-Dade County to include in their 2009 State Legislative Packages an item urging the Florida Legislature and the Florida Department of

Transportation to fund roadside beautification programs at no less than 1.5 percent of the cost of construction projects and to retain existing language in statute that requires FDOT to set aside no less than 1.5 percent of construction costs on roadside beautification programs, a copy of which is attached and incorporated by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Urges the Florida Legislature and the Florida Department of Transportation to fund roadside beautification programs at no less than 1.5 percent of the cost of construction projects and to retain existing language in statute that requires FDOT to set aside no less than 1.5 percent of construction costs on roadside beautification programs.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, the Senate President, the House Speaker, the Chair and Members of the Miami-Dade County State Legislative Delegation and the Secretary of the Florida Department of Transportation.

Section 3. Directs the County's state lobbyists to advocate for the passage of the legislation set forth in Section 1 above, and directs the Office of Intergovernmental Affairs to include this item in the 2009 State Legislative Package.

The Prime Sponsor of the foregoing resolution is Commissioner Dennis C. Moss and the Co-Sponsor is Senator Javier D. Souto. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman	
Barbara J. Jordan, Vice-Chairwoman	
Jose "Pepe" Diaz	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Joe A. Martinez	Dennis C. Moss
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

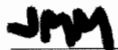
The Chairman thereupon declared the resolution duly passed and adopted this 16th day of December, 2008. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Jess M. McCarty

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ATTACHMENT

Approved _____ Mayor _____ Agenda Item No. _____
Veto _____
Override _____

RESOLUTION NO. _____

RESOLUTION OF THE COMMUNITY IMAGE ADVISORY BOARD URGING THE MIAMI-DADE BOARD OF COUNTY COMMISSIONERS, THE MIAMI-DADE EXPRESSWAY AUTHORITY AND THE MUNICIPALITIES IN MIAMI-DADE COUNTY TO INCLUDE IN THEIR 2009 STATE LEGISLATIVE PACKAGES AN ITEM URGING THE FLORIDA LEGISLATURE AND THE FLORIDA DEPARTMENT OF TRANSPORTATION TO FUND ROADSIDE BEAUTIFICATION PROGRAMS AT NO LESS THAN 1.5 PERCENT OF THE COST OF CONSTRUCTION PROJECTS; AND TO RETAIN EXISTING LANGUAGE IN STATUTE THAT REQUIRES FDOT TO SPEND NO LESS THAN 1.5 PERCENT OF CONSTRUCTION COSTS ON ROADSIDE BEAUTIFICATION PROGRAMS

WHEREAS, it is the mission of the Community Image Advisory Board (CIAB) to implement public projects that enhance the aesthetics of the community, and

WHEREAS, the partners of the CIAB believe that a high aesthetic value in public projects is important to improving the quality of life for residents, increased property values, and fostering repeat tourism to the area, and

WHEREAS, the partners of the CIAB have made significant investments in landscaping public rights of way, including those owned by the State of Florida, as part of its mission to create beautiful public spaces; and

WHEREAS, national studies indicate that green, permeable areas and a healthy urban forest provide economic benefits that exceed the cost of installation and care, including an average seven percent (7%) to 20 percent increase in property values, higher consumer preference, perception and economic willingness-to-pay in tree-lined commercial areas,

reduction of energy costs, the uptake of atmospheric CO₂ and excess stormwater that offsets the need for infrastructure investments; and

WHEREAS, Executive Order 07-128, signed by Governor Charlie Crist on July 13, 2007, states that global climate change is one of the most important issues facing the State of Florida this century, and directs the Florida Governor's Action Team on Energy and Climate Change to identify land use and management policies that improve the long-term storage of carbon in Florida's biomass; and

WHEREAS, landscaping along public rights-of-way create urban form and identity and improve aesthetics that furthers the goals and objectives for the "Great Streets" component of the Miami-Dade County Open Space Plan; and

WHEREAS, section 334.044, Florida Statutes, currently requires the Florida Department of Transportation (FDOT) to allocate no less 1.5 percent of the amount contracted for FDOT construction projects to beautification programs to "provide for the conservation of natural roadside growth and scenery and for the implementation and maintenance of roadside beautification programs"; and

WHEREAS, during the 2008 regular session, the Florida Legislature passed H.B. 5067, which among other provisions, would have eliminated the requirement that FDOT allocate at least 1.5 percent of the amount contracted for FDOT construction projects to roadside beautification programs; and

WHEREAS, H.B. 5067 instead provided a cap of 1.5 percent on FDOT beautification programs, providing that FDOT may spend "up to" 1.5 percent on beautification programs, but not requiring FDOT to spend any funds at all on beautification programs; and

WHEREAS, when H.B. 5067 reached the Governor's desk, he vetoed the bill because of other provisions included in the bill; and

WHEREAS, notwithstanding the veto of H.B. 5067, funding for roadside beautification programs was removed from the FDOT Five Year Work Program for the current State Fiscal Year 2008-09; and

WHEREAS, it is anticipated that legislation will again be filed for consideration during the 2009 session to eliminate the 1.5 percent set-aside for roadside beautification programs; and

WHEREAS, maintaining a high aesthetic value in the public domain is in the best interest of the community at large,

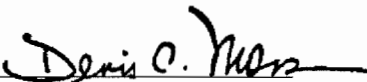
NOW, THEREFORE, BE IT RESOLVED BY THE COMMUNITY IMAGE ADVISORY BOARD OF MIAMI-DADE COUNTY, FLORIDA, that the Community Image Advisory Board:

Section 1. Urges the Miami-Dade Board of County Commissioners, the Miami-Dade Expressway Authority, and the municipalities in Miami-Dade County to include in their 2009 State Legislative Packages an item urging the Florida Legislature and the Florida Department of Transportation to fund roadside beautification programs at no less than 1.5 percent of the cost of construction projects and to retain existing language in statute that requires FDOT to set aside no less than 1.5 percent of construction costs on roadside beautification programs.

Section 2. Directs the staff of the Community Image Advisory Board to transmit copies of this resolution to the Mayor of Miami-Dade County and the Chair and Members of the Miami-Dade Board of County Commissioners, the Chair and Members of the Miami-Dade Expressway Authority, and the Mayor and Chair and Members of the city commissions for the municipalities in Miami-Dade County.

The Community Image Advisory Board having considered and voted in favor of the resolution, the Chairperson declared the resolution duly passed and adopted this November 19, 2008.

COMMUNITY IMAGE ADVISORY
BOARD, MIAMI-DADE COUNTY,
FLORIDA

By: 

Dennis C. Moss, Chairman