



**MEMORANDUM**

Agenda Item No. 11(A)(4)

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**TO:** Honorable Chairman Dennis C. Moss  
and Members, Board of County Commissioners

**DATE:** February 18, 2010

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

**SUBJECT:** Resolution urging the Florida  
Legislature to pass legislation  
requiring the removal of underground  
utility markings within 30 days of  
their application, requiring the use of  
temporary utility markings or  
otherwise requiring that utility  
markings not remain in place more  
than 30 days

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The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Chairman Dennis C. Moss.

  
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R. A. Cuevas, Jr.  
County Attorney

RAC/cp

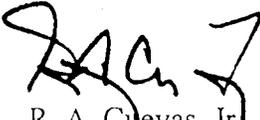


# MEMORANDUM

(Revised)

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**FROM:**   
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County Attorney

**SUBJECT:** Agenda Item No. 11(A)(4)

Please note any items checked.

- "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
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 11(A)(4)

2-18-10

RESOLUTION NO. \_\_\_\_\_

RESOLUTION URGING THE FLORIDA LEGISLATURE TO PASS LEGISLATION REQUIRING THE REMOVAL OF UNDERGROUND UTILITY MARKINGS WITHIN 30 DAYS OF THEIR APPLICATION, REQUIRING THE USE OF TEMPORARY UTILITY MARKINGS OR OTHERWISE REQUIRING THAT UTILITY MARKINGS NOT REMAIN IN PLACE MORE THAN 30 DAYS

**WHEREAS**, the Florida Legislature created the “Sunshine State One-Call of Florida, Inc.,” a not-for-profit corporation, to administer the provisions of Chapter 556, Florida Statutes, related to underground utility damage prevention and safety; and

**WHEREAS**, Sunshine State One-Call provides one number for excavating contractors and the public to call to provide notice to underground utilities before excavating contractors and the public engage in excavation or demolition in an effort to promote safety and prevent damage to underground utilities; and

**WHEREAS**, Chapter 556 requires each operator of an underground utility in Florida to be a member of Sunshine State One-Call and use and participate in the system; and

**WHEREAS**, Section 556.105, Florida Statutes, requires utility owners, excavators, and excavating contractors to place markings in the public rights-of-way when preparing to excavate or demolish at a location; and

**WHEREAS**, these markings are typically spray painted and are applied to streets and sidewalks; and

**WHEREAS**, Chapter 556 does not require markings to be removed upon completion of the excavation or demolition work; and

**WHEREAS**, because there is no provision in state law to remove markings, spray paint markings remain in place on streets and sidewalks slowly fading in the sun for months and even years at a time creating an aesthetic nuisance; and

**WHEREAS**, this community has invested substantial sums of public funds in improving the aesthetic appearance of our community, which is particularly important given the role tourism plays to our local economy; and

**WHEREAS**, the aesthetic appearance of sidewalks and streets that have been enhanced with, for example, decorative tiles that have been installed using public funds are particularly harmed by spray paint that is used to mark underground utilities and that is not removed; and

**WHEREAS**, the Community Image Advisory Board (CIAB) was established in 2001 to coordinate efforts related to encouraging high-quality design and construction and improving the aesthetic appearance of public spaces; and

**WHEREAS**, the mission of the CIAB is to promote and coordinate efforts that maintain all roadways and gateways seamlessly throughout Miami-Dade County such that they are aesthetically pleasing to all visitors and enhance the community pride of all county residents; and

**WHEREAS**, at its January 27, 2009 meeting, the CIAB approved by a formal unanimous vote a motion to urge the Board of County Commissioners to advocate for changes to state law that would require the removal of underground utility markings within 30 days, require the use of temporary utility markings or otherwise require that utility markings do not remain more than 30 days after they are put in place,

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

Section 1. Urges the Florida Legislature to pass legislation requiring the removal of utility markings within 30 days, requiring the use of temporary utility markings or otherwise requiring that utility markings do not remain for more than 30 days after they are put in place; and providing for penalties for failure to comply.

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

Section 3. Directs the County's state lobbyists to advocate for the passage of the legislation and the implementation of the reforms set forth in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to include this item in the 2010 State Legislative Package.

The Prime Sponsor of the foregoing resolution is Chairman Dennis C. Moss. 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:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 18<sup>th</sup> day of February, 2010. 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