

MEMORANDUM

Agenda Item No. 11(A)(21)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: April 20, 2021

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution urging the Florida
Legislature to enact SB 1944, HB
1567, or similar legislation that
would facilitate the effective
removal of redundant utility and
communications poles

Resolution No. R-371-21

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Joe A. Martinez.



Geri Bonzon-Keenan
County Attorney

GBK/jp



MEMORANDUM (Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: April 20, 2021

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No.11(A)(21)

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
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☒ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____ 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)(21)
4-20-21

RESOLUTION NO. _____ R-371-21

RESOLUTION URGING THE FLORIDA LEGISLATURE TO
ENACT SB 1944, HB 1567, OR SIMILAR LEGISLATION THAT
WOULD FACILITATE THE EFFECTIVE REMOVAL OF
REDUNDANT UTILITY AND COMMUNICATIONS POLES

WHEREAS, it is in the public interest for public utilities, communications services providers, and cable television operators to strengthen their above-ground infrastructure to withstand extreme weather conditions by, among other things, replacing older utility poles with newer, stronger poles; and

WHEREAS, however, because owners of third-party pole attachments may not keep pace with removing their equipment from the old poles, replacing utility poles often results in multiple poles remaining within public rights-of-way and easements for significant durations, particularly when the replacement work is combined with the undergrounding of utility facilities; and

WHEREAS, as long as the third-party equipment remains, pole owners are prevented from removing the redundant poles; and

WHEREAS, pole owners continue to incur liability where the poles they own continue to be used by third parties; and

WHEREAS, redundant poles in the public rights-of-way and easements are aesthetically unappealing and potentially create overcrowding of, and unsafe conditions in, those public areas; and

WHEREAS, it is in the public interest to timely and sequentially remove pole attachments from redundant poles or to transfer the ownership of poles to entities that continue to use them; and

WHEREAS, companion Senate and House bills, SB 1944 by Senator Ben Albritton (R-Bartow) and HB 1567 by Representative Nick DiCeglie (R-Largo), have been filed for consideration during the 2021 session of the Florida Legislature; and

WHEREAS, SB 1944 and HB 1567 would require attaching entities to remove pole attachments from redundant poles within 90 calendar days after receipt of written notice from the pole owner requesting such removal; and

WHEREAS, if an attaching entity fails to remove a pole attachment as required, the pole owner or its agent may transfer or relocate the pole attachment to the new pole at the noncompliant attaching entity's expense; and

WHEREAS, the bills would also authorize the pole owner or its agent to remove a pole attachment that is abandoned or no longer in use by a noncompliant attaching entity at that entity's expense; and

WHEREAS, additionally, when a pole owner removes and relocates its overhead facilities or converts its overhead facilities to underground, in lieu of removal, transfer, sale, or disposal of the pole attachments, the pole owner may transfer legal title of the redundant pole to an attaching entity that has not removed a pole attachment within 90 days after receipt of a notice to remove, in exchange for an amount equal to the total of the remaining book value for all poles listed in the notice of title transfer; and

WHEREAS, this Board believes that SB 1944 and HB 1567 will facilitate a more effective removal process of redundant utility poles,

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 to enact SB 1944, HB 1567, or similar legislation that would facilitate the effective removal of redundant utility and communications poles.

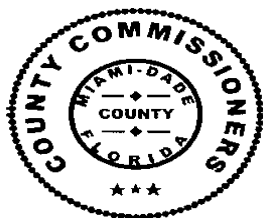
Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, Senator Ben Albritton, Representative Nick DiCeglie, all cosponsors of SB 1944 and HB 1567, and the Chair and Members of the Miami-Dade State Legislative Delegation.

Section 3. Directs the County's state lobbyists to advocate for the passage of the legislation set forth in section 1 above and authorizes and directs the Office of Intergovernmental Affairs to amend the 2021 State Legislative Package to include this item and to include this item in the 2022 State Legislative Package when it is presented to the Board.

The Prime Sponsor of the foregoing resolution is Commissioner Joe A. Martinez. It was offered by Commissioner **Joe A. Martinez**, who moved its adoption. The motion was seconded by Commissioner **Eileen Higgins** and upon being put to a vote, the vote was as follows:

	Jose "Pepe" Diaz, Chairman	aye	
	Oliver G. Gilbert, III, Vice-Chairman	aye	
Sen. René García	aye	Keon Hardemon	aye
Sally A. Heyman	aye	Danielle Cohen Higgins	aye
Eileen Higgins	aye	Joe A. Martinez	aye
Kionne L. McGhee	absent	Jean Monestime	aye
Raquel A. Regalado	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 20th day of April, 2021. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.



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

HARVEY RUVIN, CLERK

Melissa Adames

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

RC

Ryan Carlin