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CLERK OF THE BOARD  
OF COUNTY COMMISSIONERS  
MIAMI-DADE COUNTY, FLORIDA**

# MEMORANDUM

Agenda Item No. 11(A)(8)

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**TO:** Honorable Chairman Oliver G. Gilbert, III  
and Members, Board of County Commissioners

**DATE:** September 6, 2023

**FROM:** Geri Bonzon-Keenan  
County Attorney

**SUBJECT:** Resolution urging the Florida Legislature to enact legislation to allow electric vehicle charging in the right-of-way limits of any municipal or County roads; and directing the County Mayor to study all amendments to the County Code that may be necessary or appropriate to accommodate advancements in electric vehicle technology and to prepare a report to this Board on such amendments

Resolution No. R-786-23

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The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Eileen Higgins.

  
Geri Bonzon-Keenan  
County Attorney

GBK/uw

MDC001



## MEMORANDUM

(Revised)

**TO:** Honorable Chairman Oliver G. Gilbert, III  
and Members, Board of County Commissioners

**DATE:** September 6, 2023

**FROM:**   
Gen Bonzon-Keenan  
County Attorney

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

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)(8)  
9-6-23

RESOLUTION NO. \_\_\_\_\_ R-786-23

RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT LEGISLATION TO ALLOW ELECTRIC VEHICLE CHARGING IN THE RIGHT-OF-WAY LIMITS OF ANY MUNICIPAL OR COUNTY ROADS; AND DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR’S DESIGNEE TO STUDY ALL AMENDMENTS TO THE COUNTY CODE THAT MAY BE NECESSARY OR APPROPRIATE TO ACCOMMODATE ADVANCEMENTS IN ELECTRIC VEHICLE TECHNOLOGY AND TO PREPARE A REPORT TO THIS BOARD ON SUCH AMENDMENTS

**WHEREAS**, over 3,000,000 electric vehicles are on the roads across the United States;  
and

**WHEREAS**, the federal government has announced a goal of having 50 percent of new vehicles sales be electric vehicles by 2030; and

**WHEREAS**, as part of federal infrastructure laws and policy goals, including the Inflation Reduction Act of 2022, the federal government intends to invest \$7,500,000,000.00 nationwide in electric vehicle charging; and

**WHEREAS**, in section 339.287 of the Florida Statutes, the Florida Legislature declared and found that: (1) “[a] significant portion of the carbon dioxide emissions in this state is produced by the transportation sector” and (2) “[e]lectric vehicles can help reduce these emissions, thereby helping to reduce the impact of climate change on this state”; and

**WHEREAS**, section 339.287 of the Florida Statutes also provides a process to develop electric vehicle charging station infrastructure along the State Highway System; and

**WHEREAS**, in contrast to section 339.287, which pertains to the State Highway System, section 337.408, Florida Statutes, which governs road rights-of-way under local government jurisdiction, limits the placement of items in such road rights-of-way to bus stops, benches, transit shelters, street light poles, public pay telephones, waste disposal receptacles, and modular news racks, and does not expressly authorize the installation of electric vehicle charging infrastructure; and

**WHEREAS**, in furtherance of federal, state, and local goals of expanding electric vehicle usage to reduce carbon dioxide emissions, this Board wishes to urge the Florida Legislature to amend section 337.408 to authorize the installation of electric vehicle charging infrastructure in road rights-of-way under local government jurisdiction; and

**WHEREAS**, the provisions of the Code of Miami-Dade County, Florida (the “County Code”), including those that pertain to zoning, public works, transit, and parks, should also address the increasing need for electric vehicle charging parking spaces and other infrastructure; and

**WHEREAS**, accordingly, this Board wishes to consider any changes to the County Code that may be necessary or appropriate to address increased electric vehicle usage, electric vehicle technology advancements, and the County’s infrastructure needs,

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

**Section 1.** This Board incorporates and approves the foregoing recitals as if fully set forth herein.

**Section 2.** This Board urges the Florida Legislature to enact legislation to authorize installation of electric vehicle charging stations and related infrastructure within road rights-of-way under county or municipal jurisdiction.

**Section 3.** This Board directs the County Mayor or County's Mayor's designee to study any changes to the County Code that may be necessary or appropriate to address increased electric vehicle usage, electric vehicle technology advancements, and the County's infrastructure needs. The study shall consider, at a minimum, the County Code sections addressing zoning, public works, transit, and parks. The report shall also include projected costs for installing and maintaining electric vehicle charging stations on County lands, including parks and transit stations, and a review of federal legislation that may provide monetary incentives to the County for installation of such infrastructure.

**Section 4.** The County Mayor or County Mayor's designee shall provide the report to this Board within 60 days of the effective date of this resolution and place the completed report on an agenda of the full Board without committee review pursuant to rule 5.06(j) of the Board's Rules of Procedure.

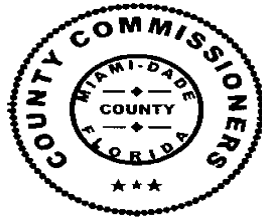
**Section 5.** The Clerk of the Board is directed to transmit certified copies of this resolution to the Governor, the Senate President, the House Speaker, and the Chair and the Members of the Miami-Dade State Legislative Delegation.

**Section 6.** The County's state lobbyists are directed to advocate for the legislation described in section 2 above, and the Office of Intergovernmental Affairs is authorized and directed to include this item in the 2024 State Legislative Package when it is presented to the Board.

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

|                                  |            |                      |            |
|----------------------------------|------------|----------------------|------------|
| Oliver G. Gilbert, III, Chairman | <b>aye</b> |                      |            |
| Anthony Rodríguez, Vice Chairman | <b>aye</b> |                      |            |
| Marleine Bastien                 | <b>aye</b> | Juan Carlos Bermudez | <b>aye</b> |
| Kevin Marino Cabrera             | <b>aye</b> | Sen. René García     | <b>aye</b> |
| Roberto J. Gonzalez              | <b>aye</b> | Keon Hardemon        | <b>aye</b> |
| Danielle Cohen Higgins           | <b>aye</b> | Eileen Higgins       | <b>aye</b> |
| Kionne L. McGhee                 | <b>aye</b> | Raquel A. Regalado   | <b>aye</b> |
| Micky Steinberg                  | <b>aye</b> |                      |            |

The Chairperson thereupon declared this resolution duly passed and adopted this 6<sup>th</sup> day of September, 2023. 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

JUAN FERNANDEZ-BARQUIN, CLERK

By: Basia Pruna  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

A handwritten signature in dark ink, appearing to read "LEM", written over a horizontal line.

Lauren E. Morse