

RESOLUTION No. 07- 66

A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA IN SUPPORT OF CITY OF MIAMI RESOLUTION #R-07-0360 CALLING ON THE FLORIDA LEGISLATURE TO AMEND THE EXISTING FLORIDA STATUTE, CHAPTER 556 TITLED "UNDERGROUND FACILITY DAMAGE PREVENTION AND SAFETY," SECTION 556.105 TITLED "PROCEDURES," TO REQUIRE EXCAVATORS AND/OR EXCAVATING CONTRACTORS TO REMOVE INVALID UTILITY MARKINGS FROM THE RIGHTS-OF-WAY UPON COMPLETION OF EXCAVATIONS AND/OR DEMOLITION WORK, FURTHER URGING GOVERNOR CHARLIE CRIST AND THE MEMBERS OF THE FLORIDA LEGISLATURE TO AMEND FLORIDA STATUTE, CHAPTER 556, SECTION 556.107, TITLED "VIOLATIONS," TO ESTABLISH VIOLATIONS FOR EXCAVATORS AND/OR EXCAVATING CONTRACTORS THAT DO NOT REMOVE INVALID UTILITY MARKINGS; DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE OFFICIALS DESIGNATED HEREIN; AND PROVIDING FOR AN EFFECTIVE DATE

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, titled "Underground Facility Damage Prevention and Safety;"

WHEREAS, said Chapter requires each operator of an underground facility in the State of Florida ("State") to be a member of the corporation and use and participate in the system; and

WHEREAS, said statute does not require the utility owner, excavator or excavating contractor to remove the markings upon completion of the work; and

WHEREAS, the markings create an aesthetic nuisance and markings that remain for longer than the required 20 days which cause confusion between new markings and old markings; and

WHEREAS, the following recommendations should be incorporated to Florida

Statute 556, Section 556.105 titled "Procedures" to include:

1. a requirement for the excavator and/or excavating contractor to remove the markings once the excavation/demolition is completed or if the work is no longer needed;
2. a requirement for the excavator and/or excavating contractor to remove the invalid markings that currently exist;
3. a procedure under Section 556.107 titled "Violations" to address violations for excavators and/or excavating contractors that do not remove invalid markings; and

WHEREAS, said section should create a procedure for non-compliance and violations using a system that includes but is not limited to inspections and fines.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AS FOLLOWS:

Section 1. The City Council of the City of Doral, in support of City of Miami Resolution, #R-07-0360, hereby adopts the provisions set forth in the above "whereas" clauses.

Section 2. The City of Doral City Council urges all County and Municipal Mayors of the State to sponsor individual legislation addressed to the Florida Legislature to amend the existing Florida Statute, Chapter 556 titled "Underground Facility Damage Prevention and Safety," Section 556.105 titled "Procedures," and to require excavators and/or excavating contractors to remove invalid utility markings for the rights-of-way upon completion of excavations and/or demolition work.

Section 3. The City of Doral City Council urges Governor Charlie Crist and the members of the Florida Legislature to amend Florida Statute, Chapter 556, Section 556.105 titled "Procedures," to require excavators and/or excavating contractors to remove invalid utility markings for the rights-of-way upon completion of excavations and/or demolition work, and Section 556.107 titled "Violations" to establish violations for excavators and/or excavating contractors that do not remove invalid utility markings to create procedures for non-compliance and violations.

Section 4. The City Clerk is directed to transmit a copy of this Resolution to all County and Municipal Mayors of the State of Florida, Governor Charlie Crist, the President of the Senate Ken Pruitt, the Speaker of the House Marco Rubio, and to the members of the Florida Legislature.

Section 5. This Resolution shall take effect immediately upon adoption.

[Section left blank intentionally]

The foregoing resolution was offered by Councilman Van Name who moved its adoption. The motion was seconded by Vice Mayor Cabrera and upon being put to a vote, the vote was as follows:

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Pete Cabrera	Yes
Councilman Michael DiPietro	(Councilman DiPietro was excused from the meeting at the time of the vote)
Councilwoman Sandra Ruiz	Yes
Councilman Robert Van Name	Yes

PASSED and ADOPTED this 12th day of September, 2007.



JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:



BARBARA HERRERA, CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



JOHN HEARN, ESQ., CITY ATTORNEY