

**CITY OF CORAL GABLES, FLORIDA**

**RESOLUTION 2025-**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA, REAFFIRMING THE CITY'S AUTHORITY AND INTENT TO FULLY ENFORCE ORDINANCE NO. 2022-69 REQUIRING THE UNDERGROUNDING OF COMMUNICATIONS INFRASTRUCTURE; DECLARING THE ORDINANCE CONSISTENT WITH FLORIDA LAW, INCLUDING SECTION 366.97, FLORIDA STATUTES; DIRECTING THE CITY MANAGER AND CITY ATTORNEY TO TAKE ALL NECESSARY ACTIONS TO PURSUE ENFORCEMENT; URGING THE FLORIDA LEGISLATURE TO AMEND SECTION 366.97 TO REQUIRE CO-LOCATING ENTITIES TO UNDERGROUND FACILITIES CONTEMPORANEOUSLY WITH ELECTRIC UNDERGROUNDING PROJECTS; AND DIRECTING THAT SUCH LEGISLATIVE AMENDMENT BE INCLUDED AMONG THE CITY'S LEGISLATIVE PRIORITIES FOR THE UPCOMING SESSION.**

**WHEREAS**, on December 13, 2022, the City Commission of the City of Coral Gables adopted Ordinance No. 2022-69, which requires the undergrounding of utility and communications infrastructure, including the removal of aerial facilities, under specified conditions, including but not limited to those instances where Florida Power & Light Company ("FPL") converts overhead laterals to underground facilities pursuant to its Storm Secure Undergrounding Program ("SSUP"), reviewed and approved annually by the Florida Public Service Commission; and

**WHEREAS**, the Florida Legislature, through Section 366.97, Florida Statutes, has mandated the timely removal of redundant pole attachments and created a statutory framework consistent with the public interest in storm resilience, infrastructure modernization, and the protection of health, safety, and welfare; and

**WHEREAS**, Ordinance No. 2022-69 is fully consistent with Florida law and represents a valid exercise of the City's constitutional and statutory home rule and police powers, including the authority to regulate local infrastructure and to protect residents and businesses from the risks and adverse impacts of outdated and above-ground utility and communications facilities; and

**WHEREAS**, the City Commission finds it necessary and appropriate to reaffirm its intent that the provisions of Ordinance No. 2022-69 be enforced in full, and that the City pursue all available administrative and judicial remedies to secure compliance from entities maintaining aerial infrastructure in contravention of the ordinance; and

**WHEREAS**, the City Commission further finds that Section 366.97, Florida Statutes, should be strengthened to expressly require that all co-locating entities, including communications providers, relocate and underground their facilities in those instances where electric infrastructure is being converted from above-ground to underground, whether under the SSUP or any successor program approved by the Florida Public Service Commission, or under any City-sponsored undergrounding project, thereby ensuring coordinated and efficient conversion and avoiding the continuation of redundant, unsafe, or unsightly above-ground facilities.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA, AS FOLLOWS:**

**SECTION 1.** That the foregoing “Whereas” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon adoption hereof.

**SECTION 2.** That the City of Coral Gables hereby reaffirms its legal authority and intent to fully enforce Ordinance No. 2022-69, as consistent with and complementary to Section 366.97, Florida Statutes, and other applicable state law.

**SECTION 3.** That the City of Coral Gables declares its policy to pursue enforcement aggressively against any entity that fails or refuses to underground its facilities in accordance with Ordinance No. 2022-69.

**SECTION 4.** That the City Commission hereby urges the Florida Legislature to amend Section 366.97, Florida Statutes, to require that all pole-attaching and co-locating entities underground their facilities in those instances where electric infrastructure is being converted from above-ground to underground, whether under the Storm Secure Undergrounding Program, a successor program, or a City-sponsored undergrounding project.

**SECTION 5.** That the City Manager is hereby directed and authorized to include such proposed amendment to Section 366.97, Florida Statutes, among the City’s legislative priorities for the upcoming session of the Florida Legislature and to actively advocate for its adoption.

**SECTION 6.** That the City Manager and City Attorney are further directed and authorized to take all measures necessary, including administrative enforcement and judicial proceedings, to ensure compliance with Ordinance No. 2022-69 and to protect the City’s residents, businesses, and infrastructure.

**SECTION 7.** That this Resolution shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS \_\_\_\_ day of August, A.D., 2025.

(Moved: )

(Yeas:  
(Majority : Vote:)

APPROVED:

VINCE LAGO  
MAYOR

ATTEST:

BILLY Y. URQUIA  
CITY CLERK

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

CRISTINA M. SUÁREZ  
CITY ATTORNEY