

**MEMORANDUM**

Amended  
Agenda Item No. 11(A)(22)

**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

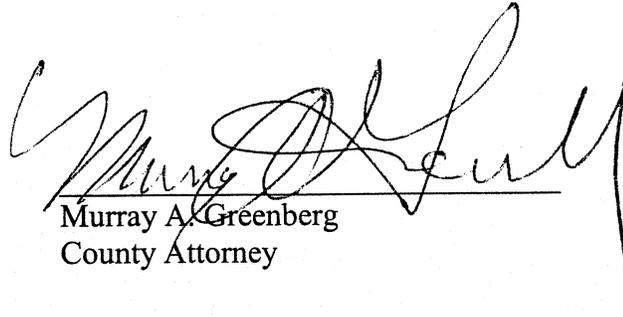
**DATE:** May 9, 2006

**FROM:** Murray A. Greenberg  
County Attorney

**SUBJECT:** Resolution urging the Florida  
Legislature to pass legislation  
imposing a three-foot  
clearance requirement related  
to motorists safely passing  
bicyclists

R-571-06

The accompanying resolution was prepared and placed on the agenda at the request of Commissioner Carlos A. Gimenez.



Murray A. Greenberg  
County Attorney

MAG/jls



# MEMORANDUM

(Revised)

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and Members, Board of County Commissioners

**DATE:** May 9, 2006

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**Please note any items checked.**

- "4-Day Rule" ("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
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

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

Amended  
Agenda Item No.11(A)(22)  
05-09-06

RESOLUTION NO. R-571-06

RESOLUTION URGING THE FLORIDA LEGISLATURE TO  
PASS AND THE GOVERNOR TO SIGN INTO LAW  
LEGISLATION IMPOSING A THREE-FOOT CLEARANCE  
REQUIREMENT RELATED TO MOTORISTS SAFELY  
PASSING BICYCLISTS

**WHEREAS**, on Sunday March 19, 2006, a bicyclist was struck and seriously injured by a motorist on the Rickenbacker Causeway; and

**WHEREAS**, in February, a bicyclist was struck by a car and killed on the Rickenbacker Causeway; and

**WHEREAS**, these accidents are the latest in a series of bicycling accidents that have occurred around Miami-Dade County in recent years; and

**WHEREAS**, while current Florida law requires any vehicle to pass another vehicle "at a safe distance," current Florida law contains no provision that is specifically related to motorists passing or overtaking bicycles; and

**WHEREAS**, other states, including Arizona, Utah, Minnesota, and Wisconsin, have enacted laws that require no less than a three-foot clearance when motorists are passing bicyclists; and

**WHEREAS**, California is currently considering the passage of such a three-foot clearance law; and

**WHEREAS**, the passage of such a law by the Florida Legislature could prevent future accidents involving bicyclists and motorists,

**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 pass legislation imposing a three-foot clearance requirement related to motorists safely passing bicyclists, either through an amendment during the 2006 legislative session if an opportunity arises or through a bill or amendment during the 2007 legislation session.

**Section 2.** Urges the Governor to sign into law HB 7079 from the 2006 legislative session, which includes language imposing a three-foot clearance requirement related to motorists safely passing bicyclists.

**Section 3.** 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 4.** Directs the County's state lobbyists to advocate for the passage of the legislation set forth in Section 1 above, and directs the Office of Intergovernmental Affairs to include this item in the 2006 and 2007 State Legislative Packages.

The foregoing resolution was sponsored by Commissioner Carlos A. Gimenez and 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:

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

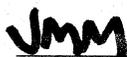
The Chairman thereupon declared the resolution duly passed and adopted this 9th day of May, 2006. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

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