MEMORANDUM

Agenda Item No. 11(A)(6)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: June 30, 2009

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution urging the Florida Legislature to prohibit talking, text messaging or otherwise using wireless communication devices while driving unless operated with a headset or hands-free device

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

R. A. Cuevas, Jr.
County Attorney

RAC/jls

MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: June 30, 2009

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Agenda Item No. 11(A)(6)

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 Mayor'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 _____

Agenda Item No. 11(A)(6)
6-30-09

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE TO PROHIBIT TALKING, TEXT MESSAGING OR OTHERWISE USING WIRELESS COMMUNICATION DEVICES, INCLUDING CELLULAR TELEPHONES AND PERSONAL DIGITAL ASSISTANTS, WHILE DRIVING UNLESS OPERATED WITH A HEADSET OR HANDS-FREE DEVICE

WHEREAS, in the Fall of 2001, Miami-Dade County became the first county in the State of Florida to pass an ordinance restricting the use of cellular telephones while driving; and

WHEREAS, shortly thereafter in the Spring of 2002, the Florida Legislature preempted the Miami-Dade ordinance, along with all local government regulation of cellular telephones and other wireless communication devices while driving; and

WHEREAS, it is estimated that over 236 million people in the U.S. currently have wireless communication devices, such as cellular telephones and Blackberries, Treos and other personal digital assistants (PDAs), compared with less than 5 million in 1990, according to the Cellular Telecommunications & Internet Association; and

WHEREAS, increased use of cellular telephones and PDAs has led to a substantial rise in the number of people who use these devices while driving; and

WHEREAS, dangers associated with using cellular telephones and PDAs while driving are two fold:

1. Drivers may become so absorbed in their cellular telephone conversations that their ability to concentrate on driving is impaired; and

2. Drivers may take their eyes off the road while dialing, text messaging and typing, sending or reading emails; and

WHEREAS, these dangers have the potential to jeopardize the safety of vehicle occupants, other drivers, and pedestrians; and

WHEREAS, bills were filed for consideration during the 2009 state legislative session that would have prohibited persons from talking, text messaging or otherwise using wireless communication devices while driving except when using a headset or hands-free device, but these bills did not pass,

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 prohibit all persons from talking, text messaging or otherwise using wireless communication devices, including cellular telephones and personal digital assistants, while driving except when using a headset or hands-free device.

Section 2. 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 3. Directs the County's state lobbyists to advocate for the passage of the legislation set forth in Section 1 above, and directs that the 2010 State Legislative Package be amended to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Joe A. Martinez. It was 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:

Dennis C. Moss, Chairman
Jose "Pepe" Diaz, Vice-Chairman

Bruno A. Barreiro	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 30th day of June, 2009. 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. JMM

Jess M. McCarty

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