

Memorandum



Date: December 7, 2010

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

From: George M. Burgess
County Manager

A handwritten signature in black ink, appearing to read "Burgess".

Subject: Approval of Implementing Order 6-8 : Use of Cellular Telephones and Similar Wireless
Devices while Operating County Vehicles

Agenda Item No. 8(F)(1)(E)

RECOMMENDATION

It is recommended that the Board of County Commissioners approve the attached Implementing Order 6-8: Use of Cellular Telephones and Similar Wireless Devices while Operating County Vehicles.

SCOPE

This Implementing Order will have a countywide effect on all employees who operate County vehicles.

FISCAL IMPACT

There is no foreseeable fiscal impact relating to this Implementing Order.

BACKGROUND

At its December 1, 2009 meeting, the Board approved Resolution R-1390-09 sponsored by Commissioner Katy Sorenson, establishing a policy that Miami-Dade County employees shall not engage in text messaging, emailing or talking on cellular telephones or other personal wireless handheld devices when driving County-owned or County-leased vehicles unless a hands-free device is used. The resolution requested that the Mayor or his designee bring to the Board an Implementing Order to effectuate this policy.

This Implementing Order mirrors the Board policy regarding the use of cellular phones and other similar electronic devices while driving County-owned or leased vehicles. This Implementing Order does not apply to those circumstances, employees and equipment where particular job duties require the use of cellular phones and other devices while operating such vehicle as specified by the Mayor or the Mayor's designee.

A handwritten signature in black ink, appearing to read "Wendi Norris".

Wendi Norris, Director
General Services Administration

cmo16810



MEMORANDUM
(Revised)

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

DATE: December 7, 2010

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

SUBJECT: Agenda Item No. 8(F)(1)(E)

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
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) 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. 8(F)(1)(E)
12-7-10

RESOLUTION NO. _____

RESOLUTION APPROVING IMPLEMENTING ORDER 6-8
FOR THE USE OF CELLULAR TELEPHONES WHILE
OPERATING COUNTY VEHICLES

WHEREAS, this Board desires to accomplish the purpose outlined in the accompanying memorandum, which is incorporated herein and made a part thereof,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board hereby approves Implementing Order 6-8: Use of Cellular Telephones and Similar Wireless Devices while Operating County Vehicles.

The foregoing resolution 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	Lynda Bell
Audrey M. Edmonson	Carlos A. Gimenez
Sally A. Heyman	Barbara J. Jordan
Joe A. Martinez	Jean Monestime
Natacha Seijas	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 7th day of December, 2010. 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

I.O. No.: 6.-8
Ordered:
Effective:

**MIAMI-DADE COUNTY
IMPLEMENTING ORDER**

**Use of Cellular Telephones and Similar Wireless
Devices while Operating County Vehicles**

AUTHORITY

Sections 1.01 and 2.02(A) of the Miami-Dade County Home Rule Amendment and Charter and Resolution R-1390-09.

POLICY

It is the policy of Miami-Dade County that its employees are prohibited from engaging in text messaging, emailing or talking on a cellular telephone, Blackberry, iPhone or other personal wireless handheld device when driving County-owned or County-leased vehicles, unless a hands-free device is used.

PURPOSE

Because the use of wireless handheld devices while driving a vehicle can result in a higher frequency of accidents, the use of such wireless devices, except in hands-free mode, is strictly prohibited. To the extent that Florida law may be amended from time to time and further limit the use of such devices, then such additional restrictions shall apply.

DEFINITION(S)

Hands-free device means an internal device, attachment, add-on or addition to a cellular telephone or a motor vehicle, whether or not permanently installed in the motor vehicle, that when used (i) allows the operator of a motor vehicle to maintain both hands on the steering wheel and (ii) allows for surrounding sound to be heard by at least one ear.

EXEMPTION:

This policy shall not apply to those circumstances, employees and equipment where particular job duties require the use of cellular telephones and other devices while driving as specified by the Mayor or designee.

This Implementing Order is hereby submitted to the Board of County Commissioners of Miami-Dade County, Florida.

County Mayor

Approved by the County Attorney as
to form and legal sufficiency ____

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