

MEMORANDUM

Agenda Item No.11(A)(15)

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

DATE: September 4, 2012

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

SUBJECT: Resolution urging the Florida
Legislature to ban texting
while driving

The accompanying resolution was placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa.



R. A. Cuevas, Jr.
County Attorney

RAC/lmp



MEMORANDUM

(Revised)

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and Members, Board of County Commissioners

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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. 11(A)(15)
9-4-12

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE TO
BAN TEXTING WHILE DRIVING

WHEREAS, according to a December, 2011 survey from the International Association for the Wireless Telecommunications Industry, there are an estimated 331.6 million wireless subscriber connections in the U.S., which outnumber the total U.S. population; and

WHEREAS, these statistics reflect a rapid and substantial increase in the number of wireless subscriptions from 203,600 in June, 1985; and

WHEREAS, the number of text messages sent also has risen dramatically to approximately 2.3 trillion text messages sent during calendar year 2011, up from 158.6 billion text messages sent during calendar year 2006, the first year in which text message data was collected by the International Association for the Wireless Telecommunications Industry; and

WHEREAS, according to a June, 2011 national survey by the American Automobile Association (AAA) Foundation, 94 percent of drivers consider texting while driving a serious threat; and

WHEREAS, nonetheless, more than one third of drivers admit to reading a text message or email while driving in the past 30 days and more than a quarter of drivers admit to sending a message while driving in the past month; and

WHEREAS, public concern over distracted driving has resulted in a number of jurisdictions making it illegal to use hand-held cellular telephones for talking or texting or both while driving; and

WHEREAS, in October, 2001, Miami-Dade County was among the first jurisdictions to pass an ordinance prohibiting the use of cellular telephones while operating a motor vehicle except with a hands-free device when this Board passed Ordinance No. 01-148; and

WHEREAS, shortly thereafter, during the 2002 regular session, the Florida Legislature enacted Chapter 2002-179, Laws of Florida (HB 358), which preempted local governments from regulating the use of electronic communications devices in motor vehicles; and

WHEREAS, in October, 2009, President Obama issued an Executive Order directing federal employees not to engage in text messaging while driving government-owned vehicles or with government-owned cellular equipment; and

WHEREAS, in November, 2009, this Board enacted Resolution No. 1390-09, which prohibited County employees, with certain exceptions, from text messaging, emailing or talking on a cellular telephones or other personal wireless handheld device when driving county-owned or -leased vehicles unless a hands-free device is used; and

WHEREAS, on December 13, 2011, the National Transportation Safety Board urged all U.S. states to ban drivers from using electronic devices while driving, including for text messaging, after several investigations found that texting was the cause of deadly accidents; and

WHEREAS, as of May, 2012, 37 states and the District of Columbia have banned texting while driving for all drivers, and another five states have banned texting while driving for holders of learner's permits, drivers under age 21, school bus drivers and/or public transit operators, according to a National Conference of State Legislatures survey; and

WHEREAS, Florida is one of only eight states, along with Arizona, Hawaii, Montana, New Mexico, Ohio, South Carolina and South Dakota, that have not imposed any ban on texting while driving, whether for all drivers or limited groups of drivers; and

WHEREAS, in recent years, bills have been filed in the Florida Legislature each session that would ban talking or texting or both while driving, but these bills have not passed; and

WHEREAS, bills were filed for consideration during the Florida Legislature's 2012 session that would have banned texting while driving enforced as a secondary offense, SB 416 by Senator Nancy C. Detert (R – Venice) and HB 299 by Representative Ray Pilon (R – Sarasota), but these bills did not pass; and

WHEREAS, this Board strongly supports passage of legislation during the Florida Legislature's 2013 session that would ban texting while driving,

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 that would ban texting while driving.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, the Chair and Members of the Miami-Dade County State Legislative Delegation, Senator Nancy C. Detert, and Representative Ray Pilon.

Section 3. Directs the County's state lobbyists to advocate for the passage of the legislation set forth in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to include this item in the 2013 State Legislative Package when it is presented to the Board.

The Prime Sponsor of the foregoing resolution is Commissioner Rebeca Sosa. 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:

Joe A. Martinez, Chairman	
Audrey M. Edmonson, Vice Chairwoman	
Bruno A. Barreiro	Lynda Bell
Esteban L. Bovo, Jr.	Jose "Pepe" Diaz
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared the resolution duly passed and adopted this 4th day of September, 2012. 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