

MEMORANDUM

Agenda Item No. 11(A)(29)

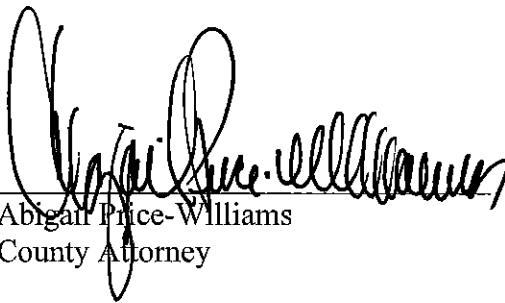
TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: October 3, 2017

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution urging the Florida
Legislature to ban texting while
operating a bicycle, skateboard,
hoverboard, segway, moped or
similar vehicle

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



Abigail Price-Williams
County Attorney

APW/smm



MEMORANDUM

(Revised)

TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: October 3, 2017

FROM: Abigail Price-Williams
County Attorney

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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
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor'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)(29)
10-3-17

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE TO
BAN TEXTING WHILE OPERATING A BICYCLE,
SKATEBOARD, HOVERBOARD, SEGWAY, MOPED OR
SIMILAR VEHICLE

WHEREAS, operating a vehicle while performing another activity distracts the operator and shifts their attention away from the operation of the vehicle; and

WHEREAS, texting is a form of distraction that may cause serious harm to the operator as well as surrounding people and property; and

WHEREAS, operators of bicycles, skateboards, hoverboards, segways, mopeds and similar vehicles who text while traversing may not see hazards like potholes or road debris that may cause them to crash; and

WHEREAS, distracted operators may also slow down, swerve, struggle to balance or enter intersections without looking, creating a hazard and distraction for similar operators, drivers and pedestrians; and

WHEREAS, in addition, distracted operators may collide with pedestrians or vehicles if their attention is shifted away from their surroundings to their cellular device, causing injury to themselves and others; and

WHEREAS, state law currently prohibits texting while driving a motor vehicle; and

WHEREAS, however, the term motor vehicle specifically excludes bicycles, motorized scooters, electric personal assistive mobility devices, swamp buggies, and mopeds; and

WHEREAS, the Florida Legislature, however, recognizes the dangers of operating such vehicles while distracted because state law currently bans the use of headsets while operating these vehicles; and

WHEREAS, in light of the potential harm posed by operating a vehicle while texting, this Board would like to urge the state to prohibit texting while operating a bicycle, skateboard, hoverboard, segway, moped or similar vehicle,

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 ban texting while operating a bicycle, skateboard, hoverboard, segway, moped or similar vehicle.

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 authorizes and directs the Office of Intergovernmental Affairs to include this item in the 2018 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:

Esteban L. Bovo, Jr., Chairman	
Audrey M. Edmonson, Vice Chairwoman	
Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
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 3rd day of October, 2017. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the 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.

APP

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