

MEMORANDUM

Agenda Item No. 11(A)(16)

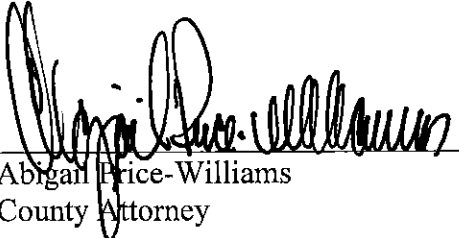
TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: October 2, 2018

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution urging the Florida Legislature to enact legislation that would make texting and engaging in any social media activity while driving a primary offense; preliminarily identifying this issue as a critical County priority for the 2019 state legislative session

The accompanying resolution was prepared and placed on the agenda at the request of Co-Prime Sponsors Commissioner Rebeca Sosa and Vice Chairwoman Audrey M. Edmonson.


Abigail Price-Williams
County Attorney

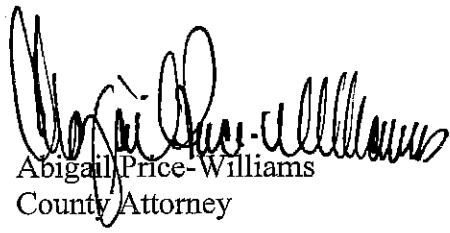
APW/uw



MEMORANDUM
(Revised)

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

DATE: October 2, 2018

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 11(A)(16)

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)(16)
10-2-18

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT LEGISLATION THAT WOULD MAKE TEXTING AND ENGAGING IN ANY SOCIAL MEDIA ACTIVITY WHILE DRIVING A PRIMARY OFFENSE; PRELIMINARILY IDENTIFYING THIS ISSUE AS A CRITICAL COUNTY PRIORITY FOR THE 2019 STATE LEGISLATIVE SESSION

WHEREAS, distracted driving is driving while performing another activity that shifts the driver's attention away from driving; and

WHEREAS, texting and engaging in social media activity while driving are forms of distracted driving; and

WHEREAS, texting while driving makes the likelihood of a crash 23 times greater than driving while not distracted, according to the Virginia Tech Transportation Institute; and

WHEREAS, there has been an increase in the amount of people engaging in social media videos and posts while driving, thereby expanding the concern and danger of cell phone use while driving to not just texting; and

WHEREAS, the National Safety Council reports that cell phone use while driving leads to 1.6 million crashes each year; and

WHEREAS, in 2015, approximately 391,000 people were injured in crashes in the United States involving distracted drivers, according to the National Highway Traffic Safety Administration (NHTSA); and

WHEREAS, in 2016, 3,450 people were killed in crashes in the United States involving distracted drivers, according to the NHTSA; and

WHEREAS, in Miami-Dade County there were 4,436 distracted driving crashes in 2017, according to the Florida Department of Highway Safety and Motor Vehicles (“FDHSMV”); and

WHEREAS, Florida ranks as the second-worst in the nation for distracted driving, according to the Everdrive Safe Driving Report of 2016; and

WHEREAS, in Florida, 49,288 crashes occurred by distracted drivers in 2017, with 162 of those crashes resulting from texting while driving; and

WHEREAS, in Florida, 3,012 crashes by distracted drivers resulted in incapacitating injuries, and 214 resulted in fatalities in 2017, according to the FDHSMV; and

WHEREAS, nearly 20,000 drivers under the age of 30 were involved in distracted driving accidents statewide in 2016; and

WHEREAS, FDHSMV reported in April 2016 that drivers 20 to 24-years old were responsible for the highest number of distracted driving, followed closely by 25 to 29-year-olds and 15 to 19-year-olds; and

WHEREAS, according to the Center for Disease Control, texting while driving is now the leading cause of death among teenagers across the nation — surpassing drinking and driving; and

WHEREAS, the concern of the American public over distracted driving has grown exponentially, resulting in the first-ever national distracted driving enforcement and advertising campaign in April 2014 by the United States Department of Transportation (“USDOT”); and

WHEREAS, April is now Distracted Driving Awareness Month where USDOT continues the national campaign, “U Drive. U Text. U Pay.”; and

WHEREAS, the degree of cognitive distraction associated with mobile phone use is so high that drivers using mobile phones exhibit greater impairment than legally intoxicated drivers, according to a University of Utah study; and

WHEREAS, a number of local jurisdictions have made it illegal to use hand-held cellular devices while driving; and

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

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

WHEREAS, on September 30, 2009, former President Barack Obama issued an executive order prohibiting federal employees from texting while driving owned, leased, or rented government vehicles or driving and texting with government-supplied equipment; and

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

WHEREAS, on October 27, 2010, the Federal Motor Carrier Safety Administration enacted a ban prohibiting commercial vehicle drivers from texting while driving; and

WHEREAS, on December 13, 2011, the National Transportation Safety Board urged all states to prohibit the use of cellular telephones and text messaging while behind the wheel of a motor vehicle; and

WHEREAS, during the 2013 regular session, the Florida Legislature passed the Florida Ban on Texting While Driving Law, which made texting while driving a noncriminal traffic infraction; and

WHEREAS, as of July 2018, 47 states, the District of Columbia, Puerto Rico, Guam and the U.S. Virgin Islands have banned texting while driving for all drivers; and

WHEREAS, according to the American Journal of Public Health, hospitalization rates decreased by 7 percent in states that have enacted texting while driving bans on all drivers; and

WHEREAS, of the 47 states that have banned texting while driving, all but four have made texting while driving a primary offense; and

WHEREAS, Florida is among the four states that do not enforce texting while driving as a primary offense, but instead as a secondary offense; and

WHEREAS, a secondary offense is an offense for which a law enforcement officer can issue a ticket only if a driver has been pulled over for committing another traffic violation; and

WHEREAS, in recent years, this Board has adopted a number of resolutions urging the Florida Legislature to make texting while driving a primary offense, including Resolution Nos. R-933-13, R-1127-14, R-742-15 and R-520-16; and

WHEREAS, while in prior years the Florida Legislature has considered bills that would make texting while driving a primary offense, such bills have not been enacted to date, allowing texting while driving to remain a secondary offense in Florida; and

WHEREAS, this Board considered texting while driving one of its highest priorities during the 2018 state legislative session and would like to again identify this issue as a critical County priority for the 2019 state legislative session and urge the Florida Legislature to enact legislation that would make texting while driving and engaging in social media activity while driving a primary offense,

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 enact legislation that would make texting and engaging in social media activity while driving a primary offense.

Section 2. Preliminarily identifies the issues described in Section 1 above as a critical County priority for the 2019 state legislative session.

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 authorizes and directs the Office of Intergovernmental Affairs to include this item in the 2019 Legislative Package when it is presented to the Board and to preliminarily identify this item as a critical priority when the Board determines priorities for the 2019 session as provided in Resolution No. R-764-13.

The Co-Prime Sponsors of the foregoing resolution are Commissioner Rebeca Sosa and Vice Chairwoman Audrey M. Edmonson. 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	
Daniella Levine Cava	Jose "Pepe" Diaz
Sally A. Heyman	Eileen Higgins
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 2nd day of October, 2018. 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.

MJM *gr*

Altanese Phenelus