



**MEMORANDUM**

Agenda Item No. 11(A)(26)

**TO:** Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

**DATE:** December 2, 2008

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

**SUBJECT:** 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 in a  
school zone

**Resolution No. R-1390-08**

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Dennis C. Moss.

A handwritten signature in black ink, appearing to read "RAC", written over a horizontal line.

R. A. Cuevas, Jr.  
County Attorney

RAC/cp



# MEMORANDUM

(Revised)

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and Members, Board of County Commissioners

**DATE:** December 2, 2008

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

**SUBJECT:** Agenda Item No. 11(A)(26)

**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 Manager'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)(26)  
12-2-08

RESOLUTION NO. R-1390-08

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 IN A SCHOOL ZONE AT TIMES WHEN REDUCED SPEEDS ARE IN EFFECT

**WHEREAS**, in 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**, the following year, 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**, as of May, 2007, over 236 million people in the U.S. had 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**, such dangers are particularly present in school zones when children are likely to be present; and

**WHEREAS**, during the 2008 state legislative session, Senator Larcenia Bullard filed S.B. 680, which would have prohibited a person driving in a school zone from operating a cellular telephone, but this bill 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 talking, text messaging or otherwise using wireless communication devices, including cellular telephones and personal digital assistants, while driving in a school zone at times when reduced speeds are in effect.

**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 the Office of Intergovernmental Affairs to include this item in the 2009 State Legislative Package.

The Prime Sponsor of the foregoing resolution is Commissioner Dennis C. Moss. It was offered by Commissioner **Dennis C. Moss**, who moved its adoption. The motion was seconded by Commissioner **Carlos A. Gimenez** and upon being put to a vote, the vote was as follows:

**Resolution No. R-1390-08**

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	Bruno A. Barreiro, Chairman	<b>absent</b>	
	Barbara J. Jordan, Vice-Chairwoman	<b>aye</b>	
Jose "Pepe" Diaz	<b>aye</b>	Audrey M. Edmonson	<b>absent</b>
Carlos A. Gimenez	<b>aye</b>	Sally A. Heyman	<b>aye</b>
Joe A. Martinez	<b>absent</b>	Dennis C. Moss	<b>aye</b>
Dorrin D. Rolle	<b>absent</b>	Natacha Seijas	<b>aye</b>
Katy Sorenson	<b>aye</b>	Rebeca Sosa	<b>aye</b>
Sen. Javier D. Souto	<b>aye</b>		

The Chairman thereupon declared the resolution duly passed and adopted this 2nd day of December, 2008. 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: **Kay Sullivan**  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

Jess M. McCarty