



**MEMORANDUM**

Agenda Item No. 11(A)(17)

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

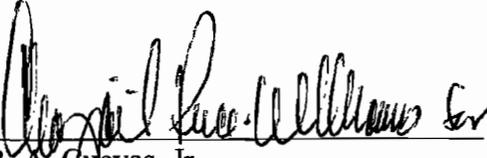
**DATE:** February 17, 2009

**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 unless operated with a  
headset or hands-free device

**Resolution No. R-132-09**

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

  
\_\_\_\_\_  
R. A. Cuevas, Jr.  
County Attorney

RAC/cp



# MEMORANDUM

(Revised)

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

**DATE:** February 17, 2009

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

**SUBJECT:** Agenda Item No. 11(A)(17)

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 Mayor'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)(17)  
2-17-09

RESOLUTION NO. R-132-09

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 UNLESS OPERATED WITH A HEADSET OR HANDS-FREE DEVICE

**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**, bills have been filed for consideration during the 2009 state legislative session that would prohibit all persons from talking, text messaging or otherwise using wireless communication devices while driving except when using a headset or hands-free device, including SB 172 by Senator Frederica Wilson and HB 345 by Representative Yolly Roberson, both of the Miami-Dade State Legislative Delegation, and HB 377 by Representative Doug Holder (R – Sarasota); and

**WHEREAS**, bills also have been filed for consideration during the 2009 state legislative session that would prohibit persons under the age of 18 from using telecommunications devices while driving, including SB 212 by Senator Carey Baker (R – Eustis) and HB 261 by Representative John Legg (R – Port Richey); and

**WHEREAS**, a bill also has been filed that would prohibit school bus drivers from using telecommunications devices while driving school buses, including HB 473 by Representative Alan Williams (D – Tallahassee),

**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 all persons from talking, text messaging or otherwise using wireless communication devices, cellular telephones and personal digital assistants, while driving except when using a headset or hands-free device, or alternatively, prohibit drivers under the age of 18 and/or school bus drivers from using telecommunications devices while driving.

**Section 2.** Urges the Florida Legislature to pass SB 172, SB 212, HB 261, HB 345, HB 377, HB 473 or similar legislation.

**Section 3.** 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 Carey Baker, Representative Doug Holder, Representative John Legg, and Representative Alan Williams.

**Section 4.** Directs the County's state lobbyists to advocate for the passage of the legislation set forth in Sections 1 and 2 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 Rebeca Sosa. It was offered by Commissioner Jose "Pepe" Diaz, who moved its adoption. The motion was seconded by Commissioner Rebeca Sosa and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 17<sup>th</sup> day of February, 2009. 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