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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 11(A)(18)

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

DATE: November 3, 2009

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

SUBJECT: Resolution urging Congress to pass S. 1536, H.R. 3535 or similar legislation requiring states to prohibit texting while driving or risk a reduction in federal highway funds

Resolution No. R-1271-09

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

R. A. Cuevas, Jr.
County Attorney

RAC/jls

MEMORANDUM
(Revised)

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

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

_____ **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)(18)
11-3-09

RESOLUTION NO. **R-1271-09**

RESOLUTION URGING CONGRESS TO PASS S. 1536, H.R. 3535 OR SIMILAR LEGISLATION REQUIRING STATES TO PROHIBIT TEXTING WHILE DRIVING OR RISK A REDUCTION IN FEDERAL HIGHWAY FUNDS

WHEREAS, a study by the Virginia Tech Transportation Institute has concluded that people who send text messages while driving are 23 times more likely to be in a crash; and

WHEREAS, a test by Car and Driver Magazine found that in some cases, a person's reaction time was harmed more by texting while driving than while driving under the influence of alcohol; and

WHEREAS, in January of 2009, the National Safety Council called on state and federal lawmakers to ban the use of cell phones and text messaging devices while driving; and

WHEREAS, U.S. Secretary of Transportation Ray LaHood is convening a summit of experts to figure out what to do about driver cell phone use and texting while driving, activities which studies have shown can be deadly; and

WHEREAS, a new poll by the AAA Foundation for Traffic Safety showed that 80 percent of Americans regard texting or e-mailing while driving as a very serious safety hazard; and

WHEREAS, according to the New York Times, texting in the U.S. has grown from nearly 10 billion text messages a month in December 2005 to more than 110 billion text messages during the month of December 2008, a tenfold increase in just three years; and

WHEREAS, a study by the University of Utah found that college students using a driving simulator were eight times more likely to have an accident while texting; and

WHEREAS, 14 states and the District of Columbia have passed laws prohibiting texting while driving; and

WHEREAS, the State of Florida has not prohibited texting while driving, although this Board has urged the Legislature to pass such legislation, R-864-09; and

WHEREAS, bills have been filed in the 111th Congress, S. 1536 by Senator Charles Schumer (D – N.Y.) and H.R. 3535 by Representative Carolyn McCarthy (D – N.Y.), that would reduce the amount of federal highway funds for any state that does not enact a law prohibiting 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 Congress to pass S. 1536, H.R. 3535 or similar legislation requiring states to pass laws prohibiting texting while driving or risk a reduction in federal highway funds.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the members of the Florida Congressional Delegation.

Section 3. Directs the County's federal lobbyists to advocate for the legislation set forth in Section 1 above, and authorizes and directs that the 2009 and 2010 Federal Legislative Packages be amended to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Katy Sorenson. It was offered by Commissioner Rebeca Sosa, who moved its adoption. The motion was seconded by Commissioner Dorrin D. Rolle 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	absent	Audrey M. Edmonson	aye
Carlos A. Gimenez	aye	Sally A. Heyman	aye
Barbara J. Jordan	absent	Joe A. Martinez	absent
Dorrin 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 3rd day of November, 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: **DIANE COLLINS**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Jess M. McCarty