

MEMORANDUM

Agenda Item No. 11(A) (26)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: January 24, 2012

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

SUBJECT: Resolution urging the Florida
Legislature to pass SB 416, HB
299 or similar legislation that
would ban texting while driving

Resolution No. R-78-12

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan.



R. A. Cuevas, Jr.
County Attorney

RAC/jls



MEMORANDUM

(Revised)

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and Members, Board of County Commissioners

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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

Agenda Item No. 11(A) (26)

Veto _____

1-24-2012

Override _____

RESOLUTION NO. R-78-12

RESOLUTION URGING THE FLORIDA LEGISLATURE TO
PASS SB 416, HB 299 OR SIMILAR LEGISLATION THAT
WOULD BAN TEXTING WHILE DRIVING

WHEREAS, according to 2011 survey data from the CTIA, the International Association for the Wireless Telecommunications Industry, there are an estimated 327.6 million wireless subscriber connections in the U.S., which now outnumbers the U.S. population, adding up to a wireless penetration rate of 103.9 percent; the number of wireless subscriptions has rapidly increased from 203,600 in June 1985; and

WHEREAS, increased use of mobile phones has led to a substantial rise in the number of people who use these devices while driving; and

WHEREAS, dangers associated with using mobile phones while driving are twofold:

1. Drivers may become so absorbed in their mobile phone conversations that their ability to concentrate on driving is impaired; and
2. Drivers may take their eyes off the road while dialing, texting and reading or writing emails; and

WHEREAS, these dangers jeopardize the safety of vehicle occupants, other drivers and pedestrians; and

WHEREAS, according to a September 2010 Research Note issued by the National Highway Traffic Safety Administration, 995 (18%) of the 5,474 people killed in distracted-driving-related crashes involved reports of a cell phone as a distraction; and

WHEREAS, a 2003 study at the University of Utah concluded that drivers talking on mobile phones exhibited greater impairment than drivers that were intoxicated; and

WHEREAS, texting while driving is generally considered to be even more dangerous than talking on a mobile phone while driving; and

WHEREAS, according to the AAA Foundation's 2011 Traffic Safety Culture Index, 94 percent of drivers agree that texting or emailing while driving is unacceptable and 87 percent support laws against reading, typing or sending text messages or emails while driving, yet more than one-third of drivers reported texting or emailing while driving in the previous month; and

WHEREAS, 35 states, the District of Columbia and Guam currently ban texting while driving for all drivers, and seven states ban novice and/or school bus drivers from texting while driving; and

WHEREAS, Florida is one of only a few states that have preempted local governments from regulating talking and texting while driving, while at the same time imposing no statewide regulation of talking on mobile phones or texting while driving; and

WHEREAS, bills have been filed in the Florida Legislature each year over the past decade that would ban talking or texting or both while driving, but none of these bills have passed; and

WHEREAS, on December 13, 2011, the National Transportation Safety Board officially urged all U.S. states to ban drivers from using electronic devices while driving, including for text messaging, after several investigations found that texting was the cause of deadly accidents; and

WHEREAS, bills have been filed for consideration during the 2012 session of the Florida Legislature that would create the "Florida Ban on Texting While Driving Law" prohibiting the operation of a motor vehicle while manually texting, emailing, and instant

messaging, providing for enforcement as a secondary action, and providing for points to be assessed against a driver's license for the unlawful use of a wireless communication device resulting in a crash, identical Senate and House companion bills SB 416 by Senator Nancy C. Detert (R – Venice) and HB 299 by Representative Ray Pilon (R – Sarasota); and

WHEREAS, this Board supports passage of SB 416, HB 299 or similar legislation that would ban 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 the Florida Legislature to pass SB 416, HB 299 or similar legislation that would ban texting while driving.

Section 2. 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 Nancy C. Detert, and Representative Ray Pilon.

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 amend the 2012 State Legislative Package to include this item.

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

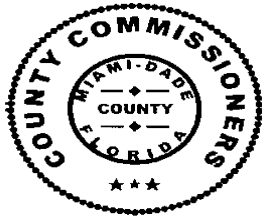
Joe A. Martinez, Chairman	aye		
Audrey M. Edmonson, Vice Chairwoman	aye		
Bruno A. Barreiro	aye	Lynda Bell	aye
Esteban L. Bovo, Jr.	aye	Jose "Pepe" Diaz	aye
Sally A. Heyman	aye	Barbara J. Jordan	aye
Jean Monestime	aye	Dennis C. Moss	aye
Rebeca Sosa	aye	Sen. Javier D. Souto	aye
Xavier L. Suarez	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 24th day of January, 2012. 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: **Christopher Agrippa**
Deputy Clerk



Approved by County Attorney as
to form and legal sufficiency.

Marlon D. Moffett

6