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

MEMORANDUM

Agenda Item No.11(A)(15)


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

**DATE:** September 4, 2012

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

**SUBJECT:** Resolution urging the Florida  
Legislature to ban texting  
while driving  
Resolution No. R-723-12

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

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

RAC/lmp



# 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  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 11(A)(15)  
9-4-12

RESOLUTION NO. R-723-12

RESOLUTION URGING THE FLORIDA LEGISLATURE TO  
BAN TEXTING WHILE DRIVING

**WHEREAS**, according to a December, 2011 survey from the International Association for the Wireless Telecommunications Industry, there are an estimated 331.6 million wireless subscriber connections in the U.S., which outnumber the total U.S. population; and

**WHEREAS**, these statistics reflect a rapid and substantial increase in the number of wireless subscriptions from 203,600 in June, 1985; and

**WHEREAS**, the number of text messages sent also has risen dramatically to approximately 2.3 trillion text messages sent during calendar year 2011, up from 158.6 billion text messages sent during calendar year 2006, the first year in which text message data was collected by the International Association for the Wireless Telecommunications Industry; and

**WHEREAS**, according to a June, 2011 national survey by the American Automobile Association (AAA) Foundation, 94 percent of drivers consider texting while driving a serious threat; and

**WHEREAS**, nonetheless, more than one third of drivers admit to reading a text message or email while driving in the past 30 days and more than a quarter of drivers admit to sending a message while driving in the past month; and

**WHEREAS**, public concern over distracted driving has resulted in a number of jurisdictions making it illegal to use hand-held cellular telephones for talking or texting or both while driving; and

**WHEREAS**, in October, 2001, Miami-Dade County was among the first jurisdictions to pass an ordinance prohibiting the use of cellular telephones while operating a motor vehicle except with a hands-free device when this Board passed Ordinance No. 01-148; and

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

**WHEREAS**, in October, 2009, President Obama issued an Executive Order directing federal employees not to engage in text messaging while driving government-owned vehicles or with government-owned cellular equipment; and

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

**WHEREAS**, on December 13, 2011, the National Transportation Safety Board 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**, as of May, 2012, 37 states and the District of Columbia have banned texting while driving for all drivers, and another five states have banned texting while driving for holders of learner's permits, drivers under age 21, school bus drivers and/or public transit operators, according to a National Conference of State Legislatures survey; and

**WHEREAS**, Florida is one of only eight states, along with Arizona, Hawaii, Montana, New Mexico, Ohio, South Carolina and South Dakota, that have not imposed any ban on texting while driving, whether for all drivers or limited groups of drivers; and

**WHEREAS**, in recent years, bills have been filed in the Florida Legislature each session that would ban talking or texting or both while driving, but these bills have not passed; and

**WHEREAS**, bills were filed for consideration during the Florida Legislature's 2012 session that would have banned texting while driving enforced as a secondary offense, SB 416 by Senator Nancy C. Detert (R – Venice) and HB 299 by Representative Ray Pilon (R – Sarasota), but these bills did not pass; and

**WHEREAS**, this Board strongly supports passage of legislation during the Florida Legislature's 2013 session 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 legislation that would ban texting while driving.

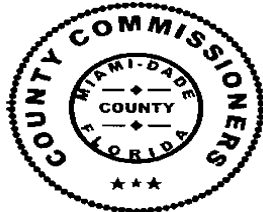
**Section 2.** Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, the Chair and Members of the Miami-Dade County State Legislative Delegation, Senator Nancy C. Detert, and Representative Ray Pilon.

**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 include this item in the 2013 State Legislative Package when it is presented to the Board.

The Prime Sponsor of the foregoing resolution is Commissioner Rebeca Sosa. It was offered by Commissioner **José "Pepe" Diaz**, who moved its adoption. The motion was seconded by Commissioner **Audrey M. Edmonson** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 4<sup>th</sup> day of September, 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.

**JMM**

Jess M. McCarty