

MEMORANDUM

Agenda Item No. 11(A)(9)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: September 1, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution directing the County Mayor to explore additional measures that can be undertaken by Miami-Dade County police officers in order to enforce Florida's "slow traffic keep right" laws, as defined in section 316.081, Florida Statutes and any posted truck lane restrictions and to implement any such additional measures as expeditiously as practicable; and to provide a report to the Board within a specified time

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



Geri Bonzon-Keenan
County Attorney

GBK/ks



MEMORANDUM
(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: September 1, 2022

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Gen Bonzon-Keenan
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
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) 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)(9)
9-1-22

RESOLUTION NO. _____

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXPLORE ADDITIONAL MEASURES THAT CAN BE UNDERTAKEN BY MIAMI-DADE COUNTY POLICE OFFICERS IN ORDER TO ENFORCE FLORIDA'S "SLOW TRAFFIC KEEP RIGHT" LAWS, AS DEFINED IN SECTION 316.081, FLORIDA STATUTES AND ANY POSTED TRUCK LANE RESTRICTIONS AND TO IMPLEMENT ANY SUCH ADDITIONAL MEASURES AS EXPEDITIOUSLY AS PRACTICABLE; AND TO PROVIDE A REPORT TO THE BOARD WITHIN A SPECIFIED TIME

WHEREAS, Miami-Dade County is a major metropolitan hub with over 2.5 million residents, many of whom use local expressways and roadways to travel throughout County borders and beyond; and

WHEREAS, alleviating traffic congestion upon expressways within Miami-Dade County's borders, including Interstate 95, Interstate 75, and the Florida Turnpike, is critical in order for drivers to share the road safely, efficiently, and responsibly; and

WHEREAS, the orderly and efficient flow of traffic is of utmost importance to the safety and economic activity of Miami-Dade County; and

WHEREAS, motorists who impede the smooth flow of traffic in the leftmost lanes of an expressway pose a hazard to other drivers and reduce the overall efficiency of commuting on roadways within Miami-Dade County; and

WHEREAS, nearly every state has adopted "slow traffic keep right" laws to improve the efficiency and flow of traffic within its borders; and

WHEREAS, the Florida Legislature has explicitly addressed this issue in its passage of section 316.081, Florida Statutes, which requires that any vehicle proceeding at less than the normal speed of traffic shall be driven in the right-hand lane or as close as practicable to the right-hand lane of the roadway; and

WHEREAS, section 316.081 also requires that a driver may not continue to operate a motor vehicle in the leftmost lane of a two or more lane highway when the driver knows or reasonably should know that he or she is being overtaken in that lane from the rear by a motor vehicle traveling at a higher rate of speed; and

WHEREAS, in February 2016, the Florida Department of Transportation (“FDOT”) temporarily set up numerous dynamic messaging signs along the Florida Turnpike, Interstate 4, and other major roads reading: “SLOWER TRAFFIC KEEP RIGHT MINIMUM FINE \$121”; and

WHEREAS, similarly, in March 2017, FDOT placed temporary electronic billboards reminding drivers on Interstate 95 of “slow traffic keep right” laws in Florida; and

WHEREAS, FDOT has historically imposed truck lane restrictions on Interstate 95 in South Florida and on Interstate 75 from the Florida/Georgia border to the Turnpike; and

WHEREAS, truck lane restrictions improve safety by reducing weaving maneuvers during passing to prevent truck conflicts and crashes with vehicles; and

WHEREAS, trucks are restricted from the left or inside travel lane, leaving such lanes specifically for automobile traffic; and

WHEREAS, according to FDOT, tour buses and recreational vehicles are not considered commercial trucks and are allowed to travel in the left or inside travel lane; and

WHEREAS, failure to follow truck lane restrictions is a violation of section 316.074, Florida Statutes; and

WHEREAS, a violation of section 316.081 or section 316.074 is a noncriminal traffic infraction punishable as a moving violation as provided in chapter 318; and

WHEREAS, increased, permanent signage requiring drivers to keep right if driving at low speeds, as well as truck lane restriction signage where appropriate, will increase traffic safety, lessen traffic congestion, maintain orderly and efficient freeways, and improve emergency response times; and

WHEREAS, this Board adopted Resolutions Nos. R-267-15, R-1102-16, and R-1125-17 similarly urging FDOT and the Miami-Dade Expressway Authority to provide increased signage regarding Florida's "Slow Traffic Keep Right" laws; and

WHEREAS, local police officers can enforce state traffic laws, such as Florida's "Slow Traffic Keep Right" laws, within their respective jurisdictions; and

WHEREAS, this Board wishes to explore additional means of enforcing Florida's "Slow Traffic Keep Right" laws and any posted truck lane restrictions,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Directs the County Mayor or County Mayor's designee to explore additional measures that can be taken by Miami-Dade County police officers in order to enforce Florida's "Slow Traffic Keep Right" laws, as defined in section 316.081, Florida Statutes, and any posted truck lane restrictions, and to implement any such additional measures as expeditiously as practicable.

Section 2. Further directs the County Mayor or County Mayor’s designee to, within 60 days of the effective date of this resolution, place a report detailing the implementation of the measures described in section 1 of this resolution on an agenda of the full Board without committee review pursuant to Ordinance No. 14-65.

The Prime Sponsor of the foregoing resolution is Commissioner Rebeca Sosa. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Jose “Pepe” Diaz, Chairman	
Oliver G. Gilbert, III, Vice-Chairman	
Sen. René García	Keon Hardemon
Sally A. Heyman	Danielle Cohen Higgins
Eileen Higgins	Joe A. Martinez
Kionne L. McGhee	Jean Monestime
Raquel A. Regalado	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared this resolution duly passed and adopted this 1st day of September, 2022. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Annery Pulgar Alfonso