

MEMORANDUM

Agenda Item No. 11(A)(10)

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

DATE: November 16, 2021

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution urging the Florida
Legislature to enact HB 127 or
similar legislation that would
prohibit a person from operating
a motor vehicle while using a
wireless communications device
in a handheld manner in the
immediate vicinity of a first
responder

Resolution No. R-1118-21

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/uw



MEMORANDUM

(Revised)

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

DATE: November 16, 2021

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County Attorney

SUBJECT: Agenda Item No. 11(A)(10)

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)(10)
11-16-21

RESOLUTION NO. _____ R-1118-21

RESOLUTION URGING THE FLORIDA LEGISLATURE TO
ENACT HB 127 OR SIMILAR LEGISLATION THAT WOULD
PROHIBIT A PERSON FROM OPERATING A MOTOR
VEHICLE WHILE USING A WIRELESS COMMUNICATIONS
DEVICE IN A HANDHELD MANNER IN THE IMMEDIATE
VICINITY OF A FIRST RESPONDER

WHEREAS, distracted driving is driving while performing another activity that shifts the driver's attention away from driving; and

WHEREAS, according to the National Highway Traffic Safety Administration (NHTSA), in 2019, an estimated 424,000 people injured in motor vehicle crashes involved distracted drivers; and

WHEREAS, distracted driving claimed 3,142 lives in 2019, according to NHTSA; and

WHEREAS, in addition in 2019, there were 566 nonoccupants (pedestrians, pedalcyclists, and others), killed in distraction-affected driving; and

WHEREAS, the use of a cellular device while driving is a form of distracted driving; and

WHEREAS, the degree of cognitive distraction associated with mobile phone use is so high that drivers using mobile phones exhibit greater impairment than legally intoxicated drivers, according to a University of Utah study; and

WHEREAS, the National Safety Council reports that cell phone use while driving leads to 1.6 million crashes each year; and

WHEREAS, according to NHTSA, 422 people died in fatal crashes involving cell-phone-related activities as distractions; and

WHEREAS, a number of local jurisdictions have made it illegal to use hand-held cellular devices while driving; and

WHEREAS, in October 2001, this Board passed Ordinance No. 01-148 making Miami-Dade County among the first jurisdictions in Florida to prohibit the use of cellular telephones while operating a motor vehicle, except with the use of a hands-free device; and

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

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

WHEREAS, as of July 2020, 23 States, the District of Columbia, Puerto Rico, Guam, the U.S. Virgin Islands, and the Northern Mariana Islands placed a ban on driving while talking on a handheld cellphone; and

WHEREAS, House Bill 127 (“HB 127”) was filed for consideration during the 2022 legislative session in the Florida Legislature by Representative Emily Slosberg (D – Delray Beach); and

WHEREAS, HB 127 would, among other things, prohibit an individual from operating a motor vehicle while using a wireless communications device in a handheld manner in the immediate vicinity of certain first responders who are in the line of duty, which is defined as a law enforcement officer, correctional officer, firefighter, and an emergency medical technician or paramedic who is a full-time paid employee, part-time paid employee, or unpaid volunteer; and

WHEREAS, considering the dangers of distracted driving, and specifically cell phone use while driving, this Board would like to urge the Florida Legislature to enact HB 127 or similar legislation that would prohibit a person from operating a motor vehicle while using a wireless communications device in a handheld manner in the immediate vicinity of a first responder,

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 enact HB 127 or similar legislation that would prohibit a person from operating a motor vehicle while using a wireless communications device in a handheld manner in the immediate vicinity of a first responder.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, Representative Emily Slosberg, and the Chair and Members of the Miami-Dade County State Legislative Delegation.

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 2022 State Legislative Package to add this item.

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

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

The Chairperson thereupon declared the resolution duly passed and adopted this 16th day of November, 2021. 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

Melissa Adames

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

APP

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