

RESOLUTION NO. 2017-_____

**CITY OF POMPANO BEACH
Broward County, Florida**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY
OF POMPANO BEACH, FLORIDA, URGING THE FLORIDA
LEGISLATURE TO ENACT LEGISLATION THAT WOULD
MAKE TEXTING WHILE DRIVING A PRIMARY OFFENSE;
PROVIDING AN EFFECTIVE DATE.**

WHEREAS, texting while driving makes the likelihood of a crash 23 times greater than driving while not distracted according to the Virginia Tech Transportation Institute; and

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

WHEREAS, texting while driving is a form of distracted driving; and

WHEREAS, the National Highway Traffic Safety Administration (NHTSA) reported an estimated total of 967,000 crashes in the United States involving distracted drivers in 2014; and

WHEREAS, in 2014, approximately 431,000 people were injured in crashes in the United States involving distracted drivers, according to the NHTSA; and

WHEREAS, in 2014, 3,179 people were killed in crashes in the United States involving distracted drivers, according to the NHTSA; and

WHEREAS, the concern of the American public over distracted driving has grown exponentially, resulting in the first ever national distracted driving enforcement and advertising campaign in April 2014 by the United States Department of Transportation; and

WHEREAS, in April 2015, the United States Transportation Secretary continued the national campaign by announcing the "U Drive. U Text. U Pay." Campaign for Distracted Driving Awareness month; 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, a number of local jurisdictions have made it illegal to use hand-held cellular devices while driving; and

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

WHEREAS, on September 30, 2009, President Barack Obama issued an executive order prohibiting Federal employees from texting while driving owned, leased or rented government vehicles or driving and texting with government-supplied equipment; and

WHEREAS, on October 27, 2010, the Federal Motor Carrier Safety Administration enacted a ban prohibiting commercial vehicle drivers from texting while driving; and

WHEREAS, on December 13, 2011, the National Transportation Safety Board urged all states to prohibit the use of cellular telephones and text messaging while behind the wheel of a motor vehicle; and

WHEREAS, during the 2013 regular session, the Florida Legislature passed the Florida Ban on Texting While Driving Law, which made texting while driving a noncriminal traffic infraction as codified in Section 316.305, Florida Statutes; and

WHEREAS, as of March 2016, 46 states, the District of Columbia, Puerto Rico, Guam and the U.S. Virgin Islands have banned texting while driving for all drivers; and

WHEREAS, of the 46 states that have banned texting while driving, all but five have made texting while driving a primary offense; and

WHEREAS, Florida is among the five states that do not enforce texting while driving as a primary offense, but instead as a secondary offense; and

WHEREAS, a secondary offense is an offense for which a law enforcement officer can issue a ticket only if a driver has been pulled over for committing another traffic violation; and

WHEREAS, the Florida Legislature has considered bills that would make texting while driving a primary offense, however, to date, such bills have not been passed, allowing texting while driving to remain a secondary offense in Florida; and

WHEREAS, the City Commission of the City of Pompano Beach urges the Florida Legislature to enact legislation to amend Section 316.305 (5), Florida Statutes, to make texting while, driving a primary offense; now therefore,

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. The City Commission urges the Florida Legislature to enact legislation that would make texting while driving a primary offense.

SECTION 2. The City Commission directs the City Clerk to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, and the Chair and Members of the Broward County State Legislative Delegation.

SECTION 3. The City Commission hereby directs the appropriate city staff to direct the city's state lobbyists to advocate for passage of the legislation in Section 1 above.

SECTION 4. This Resolution shall become effective upon passage.

PASSED AND ADOPTED this _____ day of _____, 2017.

LAMAR FISHER, MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK

MEB/jrm
8/7/17
L:reso/2017-301