

## **RESOLUTION NO. 2017-276**

### **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, SUPPORTING A BILL IN THE 2018 FLORIDA LEGISLATURE TO MAKE TEXTING WHILE DRIVING A PRIMARY OFFENSE UNDER FLORIDA LAW; PROVIDING FOR DISTRIBUTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Section 316.305, Florida Statutes, entitled “Wireless communications devices; prohibition,” is cited as the “Florida Ban on Texting While Driving Law” (the “Law”); and

**WHEREAS**, state law currently provides that enforcement by state or local law enforcement agencies must be accomplished only as a secondary action when an operator of a motor vehicle has been detained for suspected violation of another provision of Chapter 316, Chapter 320, or Chapter 322, Florida Statutes; and

**WHEREAS**, currently, texting while driving only carries a \$30 fine as a traffic infraction; and

**WHEREAS**, Florida is only one of four states that considers texting while driving a secondary offense; and

**WHEREAS**, 46 states consider texting while driving a primary offense, meaning an operator may be detained solely for the reason of texting while driving; and

**WHEREAS**, statistics gathered by the National Safety Council and the National Highway Traffic Safety Administration find that:

- a. Approximately ten people are killed every day in the United States by distracted drivers;
- b. One in four motor vehicle crashes involve drivers talking and texting on cell phones;
- c. Drivers increase their chances of crashing fourfold when using cell phones while driving; and

- d. There are over 390,000 people injured annually in accidents attributed to distracted drivers.

**WHEREAS**, the City Commission finds and determines that it is in the best interest of the residents of the City and all Floridians that enforcement by state or local law enforcement agencies be accomplished when an operator of a motor vehicle may be detained for the sole reason of texting while driving for the protection of the operator, motorists, pedestrians, and bicyclists.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA:**

**Section 1:** That the foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution.

**Section 2:** That the City Commission urges the 2018 Legislature to enact a bill that substantially amends Section 316.305, Florida Statutes, to make texting while driving enforceable as a primary offense.

**Section 3:** That the City Clerk is directed to send a copy of this Resolution to each municipality in Broward County, the Broward County Board of County Commissioners, the Broward League of Cities, the Broward Legislative Delegation, the Florida League of Cities, the Speaker of the House of Representatives, the President of the Florida Senate, and the Governor of Florida.

**Section 4:** That if any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or in application, it shall not affect the validity of the remaining portion or applications of this Resolution.

**Section 5:** That this Resolution shall be in full force and effect immediately upon its adoption.

**Adopted this \_\_\_\_ day of \_\_\_\_\_, 2017.**

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Rebecca A. Tooley, Mayor

Attest:

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Leslie Wallace May, City Clerk

Tooley \_\_\_\_\_

Rydell \_\_\_\_\_

Sarbone \_\_\_\_\_

Belvedere \_\_\_\_\_

Welch \_\_\_\_\_