

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, SUPPORTING A BILL IN THE 2018 FLORIDA LEGISLATURE TO MAKE TEXTING WHILE DRIVING A PRIMARY OFFENSE UNDER FLORIDA LAW; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the Law currently provides that enforcement by state and 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, texting while driving is particularly dangerous because it involves cognitive, visual and manual distraction, facilitating the greatest crash risk of all forms of distracted driving; and

WHEREAS, currently texting while driving only carries a \$30.00 fine as a traffic infraction; and

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

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

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

- Approximately ten people are killed every day in the United States by distracted drivers;
- One in four motor vehicle crashes involve drivers talking and texting on cell phones;
- Drivers increase their chances of crashing fourfold when using cell phones while driving;
- There are over 390,000 people injured annually in accidents and attributed to distracted drivers; and

WHEREAS, the City Commission finds it in the best interests 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 HOLLYWOOD, FLORIDA:

Section 1: The foregoing "Whereas" clauses are ratified and confirmed as being true and correct, and they are made a specific part of and incorporated into this Resolution by this reference.

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

Section 3: The City Clerk is directed to send a copy of the 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: The appropriate City officials are authorized to execute all necessary documents and to take any necessary action to effectuate the intent of this Resolution.

Section 5: This Resolution shall be in force and take effect immediately upon passage and adoption.

PASSED AND ADOPTED This _____ day of _____ 2017.

JOSH LEVY, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC, CITY CLERK

APPROVED AS TO FORM & LEGALITY
for the use and reliance of the
City of Hollywood, Florida, only.

ALAN FALLIK, ACTING CITY ATTORNEY