

RESOLUTION 2017-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA, SUPPORTING A BILL IN THE 2018 FLORIDA LEGISLATURE TO MAKE TEXTING WHILE DRIVING A PRIMARY OFFENSE UNDER FLORIDA LAW; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 316.305, Florida Statutes, 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, 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 fine as a traffic infraction; 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, Florida is only one of 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 attributed to distracted drivers; and

WHEREAS, the City Council finds it 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 COUNCIL OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA AS FOLLOWS:

Section 1: The foregoing "WHEREAS" clauses are incorporated by reference herein.

Section 2: The City Council urges the 2018 Florida 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: The City Clerk is directed to send a copy of this Resolution to 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 : This Resolution shall take effect immediately upon its adoption.

CITY OF DAYTONA BEACH SHORES, FL.

MAYOR, HARRY H. JENNINGS

Attest:

CITY MANAGER, MICHAEL T. BOOKER

CITY CLERK, CHERI SCHWAB

Approved as to form and legality:

CITY ATTORNEY, LONNIE GROOT

Adopted and posted this ____ day of November, 2017