

1 RESOLUTION NO. 2017-

2 A RESOLUTION OF THE BOARD OF COUNTY
3 COMMISSIONERS OF BROWARD COUNTY, FLORIDA,
4 URGING THE FLORIDA LEGISLATURE TO ENACT
5 LEGISLATION MAKING TEXTING WHILE DRIVING A
6 PRIMARY OFFENSE; AND PROVIDING FOR
7 SEVERABILITY AND AN EFFECTIVE DATE.

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

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

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

14 WHEREAS, the National Highway Traffic Safety Administration (NHTSA)
15 estimated that in 2014 approximately 967,000 crashes in the United States involved
16 distracted drivers, resulting in 3,179 deaths and approximately 431,000 people being
17 injured; and

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

22 WHEREAS, in April 2015, the United States Transportation Secretary continued
23 the national campaign by announcing the "U Drive. U Text. U Pay." campaign for
24 Distracted Driving Awareness month; and

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

4 WHEREAS, a number of local jurisdictions have made it illegal to use handheld
5 cellular devices while driving; and

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

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

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

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

20 WHEREAS, for years, the County has engaged in efforts to prevent texting while
21 driving, including allocating funds to the Sheriff's texting while driving prevention
22 campaign and adopting a resolution supporting the efforts of the Broward League of
23 Cities and the Broward Regional Emergency Medical Services Council (EMS Council) to
24 promote awareness of the dangers of texting and driving; and

1 WHEREAS, in 2011, the EMS Council kicked off "Take 5 to Stay Alive. Don't
2 Text and Drive," a four-year campaign aimed at increasing public awareness of the
3 dangers of distracted driving and supporting the adoption by the State of Florida of,
4 among other goals, a statewide ban on texting while driving; and

5 WHEREAS, in recognition of the substantial risks resulting from the use of mobile
6 phones (including text messaging) while driving, the County has also adopted policies
7 prohibiting such use while operating vehicles on County business, and is both currently
8 reviewing those policies to further broaden and strengthen them and working to
9 increase employee awareness, through educational safety communications, of the
10 dangers of texting while driving; and

11 WHEREAS, during the 2013 regular session, the Florida Legislature passed the
12 Florida Ban on Texting While Driving Law, which made texting while driving a
13 noncriminal traffic infraction; and

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

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

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

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

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

4 WHEREAS, this Board urges the Florida Legislature to enact legislation that
5 would make texting while driving a primary offense, NOW, THEREFORE,

6 BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF
7 BROWARD COUNTY, FLORIDA:

8 Section 1. The Board urges the Florida Legislature to enact legislation that
9 would make texting while driving a primary offense.

10 Section 2. The Board directs the County Administrator to transmit a certified
11 copy of this resolution to the Governor, Senate President, House Speaker, and the
12 Chair and all members of the Broward County Legislative Delegation.

13 Section 3. The Board directs the County's state lobbyists to advocate for the
14 passage of the legislation set forth in Section 1 above, and authorizes and directs the
15 Office of Intergovernmental Affairs and Professional Standards to include this item in its
16 future legislative priorities packages.

17 Section 4. SEVERABILITY.

18 If any portion of this Resolution is determined by any Court to be invalid, the
19 invalid portion shall be stricken, and such striking shall not affect the validity of the
20 remainder of this Resolution. If any Court determines that this Resolution, or any
21 portion hereof, cannot be legally applied to any individual(s), group(s), entity(ies),
22 property(ies), or circumstance(s), such determination shall not affect the applicability
23 hereof to any other individual, group, entity, property, or circumstance.

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