

RESOLUTION NO. 55-17

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, URGING ALL MEMBERS OF THE FLORIDA LEGISLATURE TO ENACT LEGISLATION TO MAKE TEXTING WHILE DRIVING A PRIMARY OFFENSE; DIRECTING THE CITY CLERK TO TRANSMIT A CERTIFIED COPY OF THIS RESOLUTION TO GOVERNOR RICK SCOTT, THE FLORIDA SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE FLORIDA PRESIDENT OF THE SENATE, THE PALM BEACH COUNTY LEAGUE OF CITIES, AND THE FLORIDA LEAGUE OF CITIES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, on May 7, 2013, this Commission passed Resolution 26-13 supporting a ban on texting while driving; 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; and

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

WHEREAS, in 2014, the National Highway Traffic Safety Administration (NHTSA) reported an estimated total of 967,000 crashes, 431,000 injuries and 3,179 deaths in the United States that involved distracted drivers; 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, this City Commission of the City of Delray Beach urges the Florida Legislature to enact legislation that would make texting while driving a primary offense.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. That the foregoing recitals are hereby confirmed and ratified.

Section 2. That the City Commission hereby urges the Florida Legislature to enact legislation to make texting while driving a primary offense.

Section 3. That the City Commission directs the City's lobbyists to advocate for the passage of the legislation as set forth in Section 1, supra.

Section 4. The City Clerk is hereby directed to distribute copies of this Resolution pursuant to the list attached hereto and incorporated herein as Exhibit "A."

Section 5. That this resolution shall become effective immediately upon passage.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Cary Glickstein, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY.

\_\_\_\_\_  
R. Max Lohman, City Attorney

**Exhibit A**

Governor Rick Scott  
State of Florida  
The Capitol  
400 S. Monroe Street  
Tallahassee, FL 32399

Representative Richard Corcoran  
Florida Speaker of the House  
420 The Capitol  
402 South Monroe Street  
Tallahassee, FL 32399

Senator Joe Negron  
Florida President of the Senate  
305 Senate Office Building  
404 South Monroe Street  
Tallahassee, FL 32399

League of Cities  
301 S. Bronough Street  
Suite 300  
Tallahassee, FL 32302

Palm Beach County League of Cities  
P.O. Box 1989, Governmental Center  
West Palm Beach, FL 33402